LAURA E. DUFFY
United States Attorney
STEVE B. CHU
Assistant U.S. Attorney
California Bar No. 221177
Office of the U.S. Attorney
880 Front Street, Room 6293
San Diego, California 92101
Telephone: (619) 557-5682

Attorneys for all Federal Defendants

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

MICCAEL ALSHAIKH, BABETTE BERIONES, Plaintiffs, v. METROPOLITAN TRANSIT; HERITAGE SECURITY, LAWRENCE RICHMAN; PAUL JABLONSKI; WILLIAM BURKE; RANDALL IWASAKI; MIKE FLANIGAN; AND DOES 1-5 Defendants.	Civil Case No. '11CV0140 L RBB NOTICE OF REMOVAL

The United States, by its attorneys Laura E. Duffy, United States Attorney, and Steve B. Chu, Assistant United States Attorney, hereby respectfully notices the removal of the above-captioned civil action from the Superior Court of California, County of San Diego. Removal is noticed upon the following grounds:

1. An employee of the United States is a named defendant in the above-captioned case originally filed as Civil Case No. 37-2009-00104380-CU-PO-CTL in the Superior Court of the State of California, County of San Diego. The United States Attorney received notification of the existence of this action on January 5, 2010.

2. Removal of this case is appropriate under 28 U.S.C. §§ 1441, 1442, and 1446, as

Mike Flanigon, a federal employee, is a defendant in the action. 28 U.S.C. § 2679(d)(2) provides for removal of a case upon certification by the Attorney General that the defendant employee was acting within the scope of their office or employment at the time of the incident out of which the claim arose. The United States has filed concurrently with this Notice of Removal a Certification of Scope of Employment certifying that Mr. Flanigon was acting within the scope of his federal employment at all times relevant to this case. Additionally, 28 U.S.C. § 1442 (a)(1) provides for removal in cases commenced in a state court against the United States, its agencies and officers. Therefore, this suit is properly subject to removal, without bond, under 28 U.S.C. §§ 1442(a)(1), and 2679(d)(2) since the action to be removed is pending in a state court located within this federal judicial district.

3. A further basis for removal is that the tort claims for monetary relief against the United States in this action appear to be brought pursuant to the provisions of the Federal Tort Claims Act ("FTCA") (28 U.S.C. § 1346(b) and §§ 2671-2680). United States District Courts have exclusive jurisdiction over FTCA litigation. 28 U.S.C. § 1346(b)(1). It also is anticipated that the United States may raise several defenses to Plaintiffs' Complaint including, but not limited to, the following: (1) the United States has sovereign immunity as a defense to certain claims; and (2) Plaintiffs have failed to exhaust their administrative remedies under the FTCA.

4. Copies of the Plaintiffs' Complaint received by the United States Attorney are attached as Exhibit 1 and filed herewith in compliance with the provisions of 28 U.S.C. § 1446(a).

WHEREFORE, this action now pending in the Superior Court of California, County of San Diego, is hereby properly removed therefrom to this Court.

DATED: January 24, 2011

Respectfully submitted,

LAURA E. DUFFY
United States Attorney

/s Steve B. Chu

STEVE B. CHU
Assistant U.S. Attorney
E-Mail: Steve.Chu@usdoj.gov
Counsel for all Federal Defendants

EXHIBIT 1

Third Amended

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

2010 DEC 22 PM 1:59

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Metropolitan Transit System; Heritage Security Services; DOES 1-5: Lawrence Richman; Paul Jablonski; William Burke; Randall Iwasaki; Mike Flanigan.

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Miccael Alshaikh and Babette Beriones (Pro per)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California
330 Hall of Justice
W. Broadway, San Diego, CA 92101

CASE NUMBER:
(Número del Caso):
37-2009-00104380-CU-PO-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Miccael Alshaikh and Babette Beriones, 1147 Cotton Street, San Diego, CA 92101

DATE: 12-22-10 *(Fecha)* Clerk, by *(Secretario)* T. Lusch, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify):*
3. ☐ on behalf of *(specify):*

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify):*

4. ☐ by personal delivery on *(date):*

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*
Miccael Alshaikh (Pro per)
Babette Beriones (Pro per)
1147 Cotton Street
San Diego, CA 92102
TELEPHONE NO: (619) 997-1671 FAX NO. *(Optional)*
E-MAIL ADDRESS *(Optional)*: babettebe@yahoo.com
ATTORNEY FOR *(Name)*: (Pro per)

FOR COURT USE ONLY

2010 DEC 22 PM 1:59

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego
STREET ADDRESS: 330 Hall of Justice W. Broadway
MAILING ADDRESS:
CITY AND ZIP CODE: San Diego, CA
BRANCH NAME: Superior Court of California, County of San Diego

PLAINTIFF: Miccael Alshaikh and Babette Beriones

DEFENDANT: [MTS, Heritage Security Services] DOES1-5: Lawrence Richman; Paul Jablonski; William Burke; Randall Iwasaki; Mike Flanigan

[✓] DOES 6 TO 10

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

[✓] **AMENDED *(Number)*:** 3

Type *(check all that apply)*:

[ ] **MOTOR VEHICLE** [ ] **OTHER *(specify)*:**

[✓] **Property Damage** [ ] **Wrongful Death**

[✓] **Personal Injury** [✓] **Other Damages *(specify)*:** Punitive

Jurisdiction *(check all that apply)*:

[ ] **ACTION IS A LIMITED CIVIL CASE**

Amount demanded [ ] **does not exceed $10,000**

[ ] **exceeds $10,000, but does not exceed $25,000**

[✓] **ACTION IS AN UNLIMITED CIVIL CASE (exceeds $25,000)**

[ ] **ACTION IS RECLASSIFIED by this amended complaint**

[ ] **from limited to unlimited**

[ ] **from unlimited to limited**

CASE NUMBER: 37-2009-00104380-CU-PO-CTL

1. **Plaintiff** *(name or names)*: Miccael Alshaikh and Babette Beriones

alleges causes of action against **defendant** *(name or names)*: Metropolitan Transit System; Heritage Services; DOES 1-5: Lawrence Richman; Paul Jablonski; William Burke; Randall Iwasaki; Mike Flanigan, et al.

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult

a. [ ] **except** plaintiff *(name)*:

(1) [ ] a corporation qualified to do business in California

(2) [ ] an unincorporated entity *(describe)*:

(3) [ ] a public entity *(describe)*:

(4) [ ] a minor [ ] an adult

(a) [ ] for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) [ ] other *(specify)*:

(5) [ ] other *(specify)*:

b. [ ] **except** plaintiff *(name)*:

(1) [ ] a corporation qualified to do business in California

(2) [ ] an unincorporated entity *(describe)*:

(3) [ ] a public entity *(describe)*:

(4) [ ] a minor [ ] an adult

(a) [ ] for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) [ ] other *(specify)*:

(5) [ ] other *(specify)*:

[ ] Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

Form Approved for Optional Use
Judicial Council of California
PLD-PI-001 [Rev. January 1, 2007]

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

Code of Civil Procedure, § 425.12
www.courtinfo.ca.gov

SHORT TITLE: ALSHAIKH v. CITY OF SAN DIEGO, ET AL.	CASE NUMBER 37-2009-00104380-CU-PO-CTL

4. ☐ Plaintiff *(name)*:
is doing business under the fictitious name *(specify)*:

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☑ except defendant *(name)*: Metropolitan Transit
(1) ☐ a business organization, form unknown
(2) ☑ a corporation
(3) ☐ an unincorporated entity *(describe)*:
(4) ☐ a public entity *(describe)*:
(5) ☐ other *(specify)*:

b. ☐ except defendant *(name)*:
(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity *(describe)*:
(4) ☐ a public entity *(describe)*:
(5) ☐ other *(specify)*:

c. ☑ except defendant *(name)*: Heritage Securtiy Servic
(1) ☐ a business organization, form unknown
(2) ☑ a corporation
(3) ☐ an unincorporated entity *(describe)*:
(4) ☐ a public entity *(describe)*:
(5) ☐ other *(specify)*:

d. ☐ except defendant *(name)*:
(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity *(describe)*:
(4) ☐ a public entity *(describe)*:
(5) ☐ other *(specify)*:

☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.
a. ☑ Doe defendants *(specify Doe numbers)*: 1-5 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
b. ☑ Doe defendants *(specify Doe numbers)*: 6-10 are persons whose capacities are unknown to plaintiff.

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are *(names)*:

8. This court is the proper court because
a. ☐ at least one defendant now resides in its jurisdictional area.
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
c. ☑ injury to person or damage to personal property occurred in its jurisdictional area.
d. ☐ other *(specify)*:

9. ☑ Plaintiff is required to comply with a claims statute, and
a. ☐ has complied with applicable claims statutes, or
b. ☑ is excused from complying because *(specify)*:
AMENDED COMPLAINT

PLD-PI-001

SHORT TITLE: ALSHAIKH v. CITY OF SAN DIEGO, ET AL.	CASE NUMBER: 37-2009-00104380-CU-PO-CTL

10. The following causes of action are attached and the statements above apply to each *(each complaint must have one or more causes of action attached)*:
    - a. ☐ Motor Vehicle
    - b. ☑ General Negligence
    - c. ☐ Intentional Tort
    - d. ☐ Products Liability
    - e. ☑ Premises Liability
    - f. ☑ Other *(specify)*:

      Exemplary damages

11. Plaintiff has suffered
    - a. ☑ wage loss
    - b. ☑ loss of use of property
    - c. ☑ hospital and medical expenses
    - d. ☑ general damage
    - e. ☑ property damage
    - f. ☑ loss of earning capacity
    - g. ☑ other damage *(specify)*:

      Punitive damages

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
    - a. ☐ listed in Attachment 12.
    - b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
    - a. (1) ☑ compensatory damages
    - (2) ☑ punitive damages

    The amount of damages is *(in cases for personal injury or wrongful death, you must check (1))*:
    - (1) ☐ according to proof
    - (2) ☑ in the amount of: $

15. ☑ The paragraphs of this complaint alleged on information and belief are as follows *(specify paragraph numbers)*:

    GN-1, L-2, AND EX-3

Date: 12-22-10

Micael Alshaikh (proper)
Babette Beriones (pro per)
(TYPE OR PRINT NAME)

Micael Alshaikh (proper)
Babette Beriones (pro per)
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(2)

SHORT TITLE. ALSHAIKH v. CITY of SAN DIEGO, ET AL.	CASE NUMBER

First (number) **CAUSE OF ACTION—General Negligence** Page 1

ATTACHMENT TO ☑ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff *(name):* Miccael Alshaikh and Babette Beriones

alleges that defendant *(name):* Metropolitan Transit System; Heritage Security Services, DOES 1-5: Lawrence Richman; Paul Jablonski; William Burke; Randall Iwasaki; Mike Flanigan

☑ Does 6 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on *(date):* July 8th, 2009

at *(place):* 4510 Alvarado Canyon Rd., San Diego, CA 92120

(description of reasons for liability):

Defendants failed to provide adequate private security patrol, adequate lighting and adequate surveillance monitoring as dictated by minimum industry standards. The manner in which the premises were hazardous was a result of inadequate security safeguards. The nature of these inadequate security safeguards directly led to the unsafe conditions that Plaintiff found himself in, at the Grantville Trolley Station on the night of July 8th 2009. The lack of adequate security safeguards when the Plaintiff was using public transportation directly led to the assault suffered by the Plaintiff. Had adequate security safeguards been provided and maintained by the Defendants it is highly likely that the assault would never had occurred, nor would the Plaintiff ever had sustained injury.

Plaintiff Beriones is the mother of Plaintiff Alshaikh. What happened to Plaintiff Alshaikh directly affected Plaintiff Beriones. On or about July 8th 2009, at the Grantville Trolley station, Plaintiff Alshaikh was severally beaten and robbed by 3 assailants. Plaintiff Alshaikh sustained physical and emotional injuries that continue to plague him. He continues to require medical treatment by his healthcare providers.

Before July 8th 2009, Plaintiff Alshaikh was working full time, and had plans to return to school but this horrific incident altered his plans and life. Since the attack, Plaintiff Alshaikh has had to rely upon Plaintiff Beriones , his mother, for his total care. Plaintif Beriones has been his sole supporter both monetarily and emotionally because of his inability to care for himself. What has happened to Plaintiff Alshaikh has had direct adverse consequences for Plaintiff Beriones. As a direct result from the July 8th 2009 attack on her son, Plaintiff Beriones has suffered monetary losses and emotional damages including fear, shock, humiliation, mental and emotional distress.

Plaintiffs' allege Defendant Heritage Security Services, et al, owed a duty of care to Plaintiff Alshaikh, and in turn to Plaintiff Beriones; to meet their contractual obligations to provide adequate security measures at the Grantville Trolley Station on or about July 8th, 2009. Defendants' failure to meet these obligations directly resulted in the attack upon Plaintiff Alshaik.

page 1 continued..

PLD-PI-001(2)

SHORT TITLE: ALSHAIKH v. CITY of SAN DIEGO, ET AL.	CASE NUMBER: -

First (number) **CAUSE OF ACTION—General Negligence** Page 2

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff *(name)*: Miccael Alshaikh and Babette Beriones

alleges that defendant *(name)*: Metropolitan Transit System; Heritage Security Services, DOES 1-5: Lawrence Richman; Paul Jablonski; William Burke; Randall Iwasaki; and Mike Flanigan

[✓] Does 6 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on *(date)*: July 8th, 2009

at *(place)*: 4510 Alvarado Canyon Rd., San Diego, CA 92120

(description of reasons for liability):

Defendants' failed to provide adequate security patrol, adequate lighting, and adequate surveillance monitoring as dictated by security industry standards. Had adequate security safeguards been provided and maintained by the Defendant it is highly likely that the assault would never have occurred, nor would the Plaintiffs have ever suffered any injuries or damages.

PLD-PI-001(4)

SHORT TITLE: ALSHAIKH v. CITY of SAN DIEGO , ET AL.	CASE NUMBER

second (number) **CAUSE OF ACTION—Premises Liability** Page 3

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff *(name):* Miccael Alshaikh and Babette Beriones

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On *(date):* July 8th, 2009 plaintiff was injured on the following premises in the following fashion *(description of premises and circumstances of injury):*

The manner in which the premises were hazardous was a result of inadequate security safeguards. Defendant failed to provide the minimum industry standards; such as adequate security i.e. private security patrol, adequate lighting and adequate surveillance monitoring. The nature of these inadequate security safeguards directly led to the unsafe conditions that Plaintiff found himself in, at the Grantville Trolley Station on the night of July 8th 2009. 3 assailants maliciously attacked, beat and robbed Plaintiff, Miccael Alshaikh, while he waited for the trolley.

Prem.L-2. [✓] **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were *(names):*

Metropolitan Transit System and, ; DOES 1-4: Paul Jablonski; William Burke; Randall-Iwasaki; and Mike Flanigan.

[✓] Does 5 to 10

Prem.L-3. [ ] **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were *(names):*

[ ] Does ______ to ______

Plaintiff, a recreational user, was [ ] an invited guest [ ] a paying guest.

Prem.L-4. [✓] **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were *(names):*

Metropolitan Transit System and Heritage Security Services

[✓] Does 1 to 10

a. [✓] The defendant public entity had [ ] actual [✓] constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. [✓] The condition was created by employees of the defendant public entity.

Prem.L-5. a. [ ] **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were *(names):*

DOES 1-4: Paul Jablonski; William Burke; Randall Iwasaki; and Mike Flanigan.

[✓] Does 5 to 10

b. [ ] The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are [ ] described in attachment Prem.L-5.b [ ] as follows *(names):*

PLD-PI-001(6)

SHORT TITLE: ALSHAIKH v. CITY OF SAN DIEGO ET. AL.	CASE NUMBER

Exemplary Damages Attachment

Page 4

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1. As additional damages against defendant *(name):*
Metropolitan Transit System (MTS), et al.

Plaintiff alleges defendant was guilty of
- [✓] malice
- [ ] fraud
- [✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant Metropolitan Transit System, et al. has a responsibility and obligation to protect the safety and welfare of its citizen when using its system of public transportation.
MTS failed to provide proper safeguards such as adequate private security patrol, adequate lighting and adequate surveillance monitoring to protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley, San Diego, CA. 92120; does 1-3 maliciously attacked, beat and robbed Plaintiff, Miccael Alshaikh, while he waited for the trolley, injuring him and taking his personal property.

Plaintiffs' allege Defendant Heritage Security Services, et al, owed a duty of care to Plaintiff Alshaikh, and in turn to Plaintiff Beriones; to meet their contractual obligations to provide adequate security measures at the Grantville Trolley Station on or about July 8th, 2009. Defendants' failure to meet these obligations directly resulted in the attack upon Plaintiff Alshaikh. Defendants' failed to provide adequate security patrol, adequate lighting, and adequate surveillance monitoring as dictated by security industry standards. Had adequate security safeguards been provided and maintained by the Defendant it is highly likely that the assault would never have occurred, nor would the Plaintiffs have ever suffered any injuries or damages.

EX-3. The amount of exemplary damages sought is
a. [✓] not shown, pursuant to Code of Civil Procedure section 425.10.
b. [ ] $

Form Approved for Optional Use
Judicial Council of California
PLD-PI-001(6) [Rev. January 1, 2007]

Code of Civil Procedure, § 425.12
www.courtinfo.ca.gov

PLD-PI-001(6)

SHORT TITLE: ALSHAIKH v. CITY OF SAN DIEGO ET. AL.	CASE NUMBER

Exemplary Damages Attachment

Page 5

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1. As additional damages against defendant *(name)*:

Mr. Randall Iwasaki, Director of CALTRANS

Plaintiff alleges defendant was guilty of

[✓] malice

[ ] fraud

[✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant Mr. Randall Iwasaki, Director of CALTRANS has a responsibility and obligation to protect the safety and welfare of its citizen when using its system of public transportation. Mr. Iwasaki failed to provide proper safeguards such as adequate private security patrol, adequate lighting and adequate surveillance monitoring to protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley, San Diego, CA. 92120; does 1-3 maliciously attacked, beat and robbed Plaintiff, Miccael Alshaikh, while he waited for the trolley, injuring him and taking his personal property.

Plaintiffs' allege Defendant Heritage Security Services, et al, owed a duty of care to Plaintiff Alshaikh, and in turn to Plaintiff Beriones; to meet their contractual obligations to provide adequate security measures at the Grantville Trolley Station on or about July 8th, 2009. Defendants' failure to meet these obligations directly resulted in the attack upon Plaintiff Alshaikh. Defendants' failed to provide adequate security patrol, adequate lighting, and adequate surveillance monitoring as dictated by security industry standards. Had adequate security safeguards been provided and maintained by the Defendant it is highly likely that the assault would never have occurred, nor would the Plaintiffs have ever suffered any injuries or damages.

EX-3. The amount of exemplary damages sought is

a. [✓] not shown, pursuant to Code of Civil Procedure section 425.10.

b. [ ] $

PLD-PI-001(6)

SHORT TITLE: ALSHAIKH v. CITY OF SAN DIEGO ET. AL.	CASE NUMBER:

Exemplary Damages Attachment

Page 6

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1. As additional damages against defendant *(name):*

Heritage Security Services

Plaintiff alleges defendant was guilty of

- [✓] malice
- [ ] fraud
- [✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant Heritage Security Services has a responsibility and obligation to protect the safety and welfare of its citizen when using its system of public transportation.
Heritage Security Services failed to provide proper safeguards such as adequate private security patrol, adequate lighting and adequate surveillance monitoring to protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley, San Diego, CA. 92120; does 1-3 maliciously attacked, beat and robbed Plaintiff, Miccael Alshaikh, while he waited for the trolley, injuring him and taking his personal property.

Plaintiffs' allege Defendant Heritage Security Services, et al, owed a duty of care to Plaintiff Alshaikh, and in turn to Plaintiff Beriones; to meet their contractual obligations to provide adequate security measures at the Grantville Trolley Station on or about July 8th, 2009. Defendants' failure to meet these obligations directly resulted in the attack upon Plaintiff Alshaikh. Defendants' failed to provide adequate security patrol, adequate lighting, and adequate surveillance monitoring as dictated by security industry standards. Had adequate security safeguards been provided and maintained by the Defendant it is highly likely that the assault would never have occurred, nor would the Plaintiffs have ever suffered any injuries or damages.

EX-3. The amount of exemplary damages sought is

a. [✓] not shown, pursuant to Code of Civil Procedure section 425.10.

b. [ ] $

PLD-PI-001(6)

SHORT TITLE: ALSHAIKH v. CITY OF SAN DIEGO ET. AL.	CASE NUMBER:

Exemplary Damages Attachment

Page 7

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1. As additional damages against defendant *(name):*

Mr. Mike Flanigan, Director of Federal Transit Administration (FTA)

Plaintiff alleges defendant was guilty of

[✓] malice

[ ] fraud

[✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant Mr. Mike Flanigan, Director of FTA has a responsibility and obligation to protect the safety and welfare of its citizen when using its system of public transportation.
Mr. Flanigan failed to provide proper safeguards such as adequate security i.e. private security-patrol, adequate lighting and adequate surveillance monitoring to protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley, San Diego, CA. 92120; does 1-3 maliciously attacked, beat and robbed Plaintiff, Miccael Alshaikh, while he waited for the trolley, injuring him and taking his personal property.

Plaintiffs' allege Defendant Heritage Security Services, et al, owed a duty of care to Plaintiff Alshaikh, and in turn to Plaintiff Beriones; to meet their contractual obligations to provide adequate security measures at the Grantville Trolley Station on or about July 8th, 2009. Defendants' failure to meet these obligations directly resulted in the attack upon Plaintiff Alshaikh. Defendants' failed to provide adequate security patrol, adequate lighting, and adequate surveillance monitoring as dictated by security industry standards. Had adequate security safeguards been provided and maintained by the Defendant it is highly likely that the assault would never have occurred, nor would the Plaintiffs have ever suffered any injuries or damages.

EX-3. The amount of exemplary damages sought is

a. [✓] not shown, pursuant to Code of Civil Procedure section 425.10.

b. [ ] $

"EXHIBIT A"

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

City of San Diego, MTS, SANDAG, Heritage Security, CALTRANS and NTSB

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Miccael Alshaikh and Babette Beriones

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California
530 Hall of Justice
W. Broadway. San Diego, CA 92101-3827

CASE NUMBER
(Número del Caso)
37-2009-00104380-CU-PO-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Miccael Alshaikh and Babette Beriones. 1147 Cotton Street San Diego, CA 92102 (Pro per)

DATE: 12-23-09 Babette Beriones Miccael Alshaikh DEC 2 3 2009
(Fecha)

Clerk, by T. HUNT, Deputy
(Secretario) *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify)*:

4. ☐ by personal delivery on *(date)*:

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Code of Civil Procedure §§ 412.20, 465
www.courtinfo.ca.gov

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CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)
Michael Alshaikh and Babette Berionos
1147 Cotton Street
San Diego, CA 92102

TELEPHONE NO (619) 997-1671 FAX NO
ATTORNEY FOR (Name) (Pro per)

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS 530 Hall of Justice
MAILING ADDRESS W. Broadway
CITY AND ZIP CODE San Diego, CA 92101-3827
BRANCH NAME Superior Court of California, County of San Diego

CASE NAME
Alshaikh v. SANDAG

CIVIL CASE COVER SHEET

[✓] Unlimited (Amount demanded exceeds $25,000)
[ ] Limited (Amount demanded is $25,000 or less)

Complex Case Designation
[ ] Counter [ ] Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER
37-2009-00104380-CU-PO-CTL
JUDGE
DEPT

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
[ ] Auto (22)
[ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
[ ] Asbestos (04)
[ ] Product liability (24)
[ ] Medical malpractice (45)
[✓] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
[ ] Business tort/unfair business practice (07)
[ ] Civil rights (08)
[ ] Defamation (13)
[ ] Fraud (16)
[ ] Intellectual property (19)
[ ] Professional negligence (25)
[ ] Other non-PI/PD/WD tort (35)

Employment
[ ] Wrongful termination (36)
[ ] Other employment (15)

Contract
[ ] Breach of contract/warranty (06)
[ ] Rule 3.740 collections (09)
[ ] Other collections (09)
[ ] Insurance coverage (18)
[ ] Other contract (37)

Real Property
[ ] Eminent domain/Inverse condemnation (14)
[ ] Wrongful eviction (33)
[ ] Other real property (26)

Unlawful Detainer
[ ] Commercial (31)
[ ] Residential (32)
[ ] Drugs (38)

Judicial Review
[ ] Asset forfeiture (05)
[ ] Petition re: arbitration award (11)
[ ] Writ of mandate (02)
[ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
[ ] Antitrust/Trade regulation (03)
[ ] Construction defect (10)
[ ] Mass tort (40)
[ ] Securities litigation (28)
[ ] Environmental/Toxic tort (30)
[ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
[ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
[ ] RICO (27)
[ ] Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
[ ] Partnership and corporate governance (21)
[ ] Other petition *(not specified above)* (43)

2. This case [ ] is [✓] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. [✓] monetary b. [ ] nonmonetary; declaratory or injunctive relief c. [ ] punitive
4. Number of causes of action *(specify)*: 2
5. This case [ ] is [✓] is not a class action suit
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: 12-23-09
Michael Alshaikh / Babette Berionos
(TYPE OR PRINT NAME)

[signature]
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal Rules of Court, rule 3.220.) Failure to file may result in sanctions
- File this cover sheet in addition to any cover sheet required by local court rule
- If this case is complex under rule 3 400 et seq of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding
- Unless this is a collections case under rule 3 740 or a complex case this cover sheet will be used for statistical purposes only

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PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number and address)*:

FOR COURT USE ONLY

Miccael Alshaikh and Babette Beriones
1147 Cotton Street
San Diego, CA 92102
TELEPHONE NO: (619) 997-1671 FAX NO. *(Optional)*:
E-MAIL ADDRESS *(Optional)*: babettcbe@yahoo.com
ATTORNEY FOR *(Name)*: (Pro per)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS: 330 Hall of Justice W. Broadway, CA 92101-3827
MAILING ADDRESS:
CITY AND ZIP CODE: San Diego, CA
BRANCH NAME: Superior Court of California, County of San Diego

PLAINTIFF: Miccael Alshaikh and Babette Beriones

DEFENDANT: City of San Diego, MTS, SANDAG, Heritage Security, CALTRANS and NTSB

[✓] DOES 1 TO 10

COMPLAINT—Personal Injury, Property Damage, Wrongful Death
[ ] AMENDED *(Number)*:

Type *(check all that apply)*:
[ ] MOTOR VEHICLE [✓] OTHER *(specify)*: assault and battery
[✓] Property Damage [ ] Wrongful Death
[✓] Personal Injury [✓] Other Damages *(specify)*: punitive damage

Jurisdiction *(check all that apply)*:
[ ] ACTION IS A LIMITED CIVIL CASE
Amount demanded [ ] does not exceed $10,000
[ ] exceeds $10,000, but does not exceed $25,000
[✓] ACTION IS AN UNLIMITED CIVIL CASE (exceeds $25,000)
[ ] ACTION IS RECLASSIFIED by this amended complaint
[ ] from limited to unlimited
[ ] from unlimited to limited

CASE NUMBER: 37-2009-00104380-CU-PO-CTL

1. Plaintiff *(name or names)*: Miccael Alshaikh and Babette Beriones
alleges causes of action against defendant *(name or names)*:
City of San Diego, MTS, SANDAG, Heritage Security, CALTRANS and NTSB

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult
   a. [ ] except plaintiff *(name)*:
      (1) [ ] a corporation qualified to do business in California
      (2) [ ] an unincorporated entity *(describe)*:
      (3) [ ] a public entity *(describe)*:
      (4) [ ] a minor [ ] an adult
         (a) [ ] for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
         (b) [ ] other *(specify)*:
      (5) [ ] other *(specify)*:
   b. [ ] except plaintiff *(name)*:
      (1) [ ] a corporation qualified to do business in California
      (2) [ ] an unincorporated entity *(describe)*:
      (3) [ ] a public entity *(describe)*:
      (4) [ ] a minor [ ] an adult
         (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
         (b) other *(specify)*:
         (specify):

[ ] Information about additional plaintiffs who are not competent adults is shown in Attachment 3

Form Approved for Optional Use
Judicial Council of California
PLD-PI-001 [Rev. January 1, 2007]

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

Code of Civil Procedure, § 425.12
www.courtinfo.ca.gov

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SHORT TITLE: Alshaikh v. SANDAG ET AL.	CASE NUMBER

4 [ ] Plaintiff *(name)*
is doing business under the fictitious name *(specify)*.

and has complied with the fictitious business name laws.

5 Each defendant named above is a natural person

a. [✓] except defendant *(name)*: City of San Diego
- (1) [ ] a business organization, form unknown
- (2) [ ] a corporation
- (3) [ ] an unincorporated entity *(describe)*:
- (4) [✓] a public entity *(describe)*: City of San Diego, CA
- (5) [ ] other *(specify)*:

b. [✓] except defendant *(name)*: MTS
- (1) [ ] a business organization, form unknown
- (2) [✓] a corporation
- (3) [ ] an unincorporated entity *(describe)*:
- (4) [ ] a public entity *(describe)*:
- (5) [ ] other *(specify)*:

c. [✓] except defendant *(name)*: SANDAG
- (1) [ ] a business organization, form unknown
- (2) [ ] a corporation
- (3) [ ] an unincorporated entity *(describe)*:
- (4) [✓] a public entity *(describe)*: San Diego Association of Government
- (5) [ ] other *(specify)*:

d. [✓] except defendant *(name)*: Heritage Security
- (1) [ ] a business organization, form unknown
- (2) [✓] a corporation
- (3) [ ] an unincorporated entity *(describe)*
- (4) [ ] a public entity *(describe)*.
- (5) [ ] other *(specify)*

[✓] Information about additional defendants who are not natural persons is contained in Attachment 5.

6 The true names of defendants sued as Does are unknown to plaintiff.

a. [ ] Doe defendants *(specify Doe numbers)*: ______________ were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. [✓] Doe defendants *(specify Doe numbers)*: 1-10 are persons whose capacities are unknown to plaintiff.

7 [ ] Defendants who are joined under Code of Civil Procedure section 382 are *(names)*:

8 This court is the proper court because
- a. [ ] at least one defendant now resides in its jurisdictional area.
- b. [ ] the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. [✓] injury to person or damage to personal property occurred in its jurisdictional area.
- d. [ ] other *(specify)*:

9 [✓] Plaintiff is required to comply with a claims statute, and
- a. [✓] has complied with applicable claims statutes, or
- b. [ ] is excused from complying because *(specify)*:

PLD-PI-001

SHORT TITLE	CASE NUMBER
Alshaikh v. SANDAG ET AL.	

4 [ ] Plaintiff *(name)*:
is doing business under the fictitious name *(specify)*:

and has complied with the fictitious business name laws.

5 Each defendant named above is a natural person

a [✓] except defendant *(name)*: CALTRANS
- (1) [ ] a business organization, form unknown
- (2) [ ] a corporation
- (3) [ ] an unincorporated entity *(describe)*:
- (4) [✓] a public entity *(describe)*: CALTRANS
- (5) [ ] other *(specify)*:

c [✓] except defendant *(name)*: NTSB
- (1) [ ] a business organization, form unknown
- (2) [ ] a corporation
- (3) [ ] an unincorporated entity *(describe)*:
- (4) [✓] a public entity *(describe)*: National Safety Transportation Board
- (5) [ ] other *(specify)*:

PLD-PI-001

SHORT TITLE	CASE NUMBER
Alshaikh v. SANDAG, ET AL.	

10 The following causes of action are attached and the statements above apply to each *(each complaint must have one or more causes of action attached)*

a [ ] Motor Vehicle
b [✓] General Negligence
c [ ] Intentional Tort
d [ ] Products Liability
e [✓] Premises Liability
f [✓] Other *(specify)*

Exemplary damages

11 Plaintiff has suffered

a. [✓] wage loss
b. [✓] loss of use of property
c [✓] hospital and medical expenses
d [✓] general damage
e [✓] property damage
f [✓] loss of earning capacity
g [✓] other damage *(specify)*

punitive damages.

12 [ ] The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

a [ ] listed in Attachment 12
b [ ] as follows

13 The relief sought in this complaint is within the jurisdiction of this court.

14 Plaintiff prays for judgment for costs of suit, for such relief as is fair, just, and equitable; and for

a. (1) [✓] compensatory damages
(2) [✓] punitive damages

The amount of damages is *(in cases for personal injury or wrongful death, you must check (1))*

(1) [✓] according to proof
(2) [ ] in the amount of: $ 2.75 million

15. [✓] The paragraphs of this complaint alleged on information and belief are as follows *(specify paragraph numbers)*

GN-1, L-2, and EX-3

Date 12-23-09

Micael Alshaikh MA
Babette Berrios

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(2)

SHORT TITLE: Alshaikh v. SANDAG, ET AL.	CASE NUMBER:

First (number) **CAUSE OF ACTION—General Negligence** Page 5

ATTACHMENT TO ☑ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff *(name)*: Miccael Alshaikh

alleges that defendant *(name)*: City of San Diego, MTS, Heritage Security, SANDAG, CALTRANS, – NTSB

☑ Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff
on *(date)*: July 8, 2009
at *(place)*: 4510 Alvarado Canyon Rd., San Diego, CA 92120

(description of reasons for liability):

Defendants failed to implement safeguards and adequately protect the safety of its patrons when using the system of public transportation.

Defendants negligently failed to provide adequate protection when using the system of public transportation.

PLD-PI-001(4)

SHORT TITLE	CASE NUMBER
Alshaikh v. SANDAG, ET AL.	

Second CAUSE OF ACTION—Premises Liability Page 6
(number)

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff *(name)* Miccael Alshaikh
alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff
On *(date)* July 8, 2009 plaintiff was injured on the following premises in the following fashion *(description of premises and circumstances of injury)*:

On July 8, 2009, at the Grantville Trolley Station, San Diego, CA 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed plaintiff, Miccael Alshaikh, while he waited for the trolley; injuring and taking his personal property.

Prem.L-2. [✓] **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were *(names)*:
City of San Diego, MTS, Heritage Security, SANDAG, CALTRANS and NTSB.

[✓] Does 1 to 10

Prem.L-3. [ ] **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were *(names)*:

[ ] Does ______ to ______

Plaintiff, a recreational user, was [ ] an invited guest [ ] a paying guest.

Prem.L-4. [✓] **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were *(names)*:
City of San Diego, MTS, Heritage Security, SANDAG, CALTRANS and NTSB.

[✓] Does 1 to 10

a. [✓] The defendant public entity had [ ] actual [✓] constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. [✓] The condition was created by employees of the defendant public entity.

Prem.L-5. a. [ ] **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were *(names)*:

[ ] Does ______ to ______

b. [ ] The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are
[ ] described in attachment Prem.L-5.b [ ] as follows *(names)*:

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Judicial Council of California
PLD-PI-001(4) [Rev. January 1, 2007]

CAUSE OF ACTION—Premises Liability

Code of Civil Procedure, § 425.12
www.courtinfo.ca.gov

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PLD-PI-001(6)

SHORT TITLE Alshaikh v. SANDAG, ETAL.	CASE NUMBER

Exemplary Damages Attachment

Page 9

ATTACHMENT TO ☑ Complaint ☐ Cross - Complaint

EX-1 As additional damages against defendant *(name)*:
Defendant SANDAG

Plaintiff alleges defendant was guilty of
- ☑ malice
- ☐ fraud
- ☑ oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2 The facts supporting plaintiff's claim are as follows:

Defendant SANDAG has a responsibility and obligation in their decision and daily operations of the Metropolitan Transit System. SANDAG failed to provide proper safeguards to adequately protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley. San Diego, CA. 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed plaintiff, Miccael Alshaikh, while he waited for the trolley; injuring him and taking his personal property.

EX-3. The amount of exemplary damages sought is
- a. ☑ not shown, pursuant to Code of Civil Procedure section 425.10.
- b. ☐ $

PLD-PI-001(6)

SHORT TITLE: Alshaikh v. SANDAG, ET AL.	CASE NUMBER:

Exemplary Damages Attachment

Page 10

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1 As additional damages against defendant *(name)*:
CALTRANS

Plaintiff alleges defendant was guilty of
[✓] malice
[ ] fraud
[✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant CALTRANS has a responsibility of overcite to the public transportation systems statewide to ensure adequate protection and safeguards are in place to protect patrons of public-transportation. CALTRANS willfully failed to install and maintain adequate safeguards and protection to ensure the safety of the patrons of its public transportation system.

On July 8th 2009, at the Grantville Trolley Station, San Diego, CA 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed plaintiff, Miccael Alshaikh, while he waited for the trolley; injuring him and taking his personal property.

EX-3. The amount of exemplary damages sought is
a [✓] not shown, pursuant to Code of Civil Procedure section 425.10
b [ ] $

Form Approved for Optional Use
Judicial Council of California
PLD-PI-001(6) [Rev. January 1, 2007]

Code of Civil Procedure, § 425.12
www.courtinfo.ca.gov

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PLD-PI-001(6)

SHORT TITLE: Alshaikh v. SANDAG, ETAL.	CASE NUMBER

Exemplary Damages Attachment

Page 11

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1 As additional damages against defendant *(name)*:

Defendant National Transportation Safety Board (NTSB)

Plaintiff alleges defendant was guilty of

[✓] malice

[ ] fraud

[✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant NTSB has a responsibility of over cite to the public transportation systems nationwide to ensure adequate protection and safeguards are in place to protect patrons of public transportation. NTSB willfully failed to ensure that proper safeguards were in place for the Metropolitan Transit System of San Diego. Through its daily operations and management decision CALTRANS chose not to provide adequate safeguards to ensure the safety of patrons.

On July 8th 2009, at the Grantville Trolley. San Diego, CA. 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed plaintiff, Miccael Alshaikh, while he waited for the trolley; injuring him and taking his personal property.

EX-3. The amount of exemplary damages sought is

a [✓] not shown, pursuant to Code of Civil Procedure section 425.10

b [ ] $

American LegalNet Inc
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PLD-PI-001(6)

SHORT TITLE: Alshaikh v. SANDAG, ETAL.	CASE NUMBER

Exemplary Damages Attachment

Page 12

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1. As additional damages against defendant *(name)*:

City of San Diego, CA

Plaintiff alleges defendant was guilty of

- [✓] malice
- [ ] fraud
- [✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant City of San Diego has a responsibility and obligation to protect the safety and welfare of its citizens when using its system of public transportation. The City of San Diego willfully failed to enact and provide proper safeguards to adequately protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley. San Diego, CA. 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed plaintiff. Miccael Alshaikh, while he waited for the trolley; injuring him and taking his personal property.

EX-3 The amount of exemplary damages sought is

a. [✓] not shown, pursuant to Code of Civil Procedure section 425 10

b [ ] $

"EXHIBIT B"

SAN DIEGO REGIONAL CRIME / INCIDENT REPORT

RELATED REPORTS: N | ADDN'L PROPERTY: N | ADDN'L OFFENSES LISTED IN NARR.: N

INCIDENT NUMBER: 09070018063
CASE NUMBER: 09035969
PAGE 1 OF 8

:AT 21 | DISTRICT | DATE 07/08/2009 | DAY OF WEEK Wed | TIME 22:54

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY): C / 21 [redacted] / ROBBERY

LOCATION OF INCIDENT (OR ADDRESS): 510 ALVARADO CANYON RD RD | CITY San Diego

VICTIM'S NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION): Alshaikh, Miccael Abdulmalek

TYPE 06 | RESIDENCE ADDRESS: [redacted] 147 COTTON ST | CITY San Diego | STATE Ca | ZIP 92102

RESIDENCE PHONE (619)67[redacted]6209 | RACE W | SEX M | DATE OF BIRTH 07/07/1986 | ID TYPE DL | ID NUMBER D5347420 | INTERPRETER REQUIRED N | RELATION TO: VICTIM / SUSPECT S

STATUS U | EMPLOYER (RANK IF MILITARY) | BUSINESS PHONE | DAYS OFF | WORK HRS. | V/W ASSIST N

BUSINESS OR MILITARY ADDRESS | CITY | STATE | ZIP

ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)
mail: fa[redacted]2fab@yahoo.com

VICTIM'S NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION): Freeland, John

TYPE 06 | RESIDENCE ADDRESS | CITY | STATE | ZIP

RESIDENCE PHONE | RACE W | SEX M | DATE OF BIRTH [redacted] | ID TYPE SS | ID NUMBER [redacted] | INTERPRETER REQUIRED N | RELATION TO: VICTIM / SUSPECT S S

STATUS E | EMPLOYER (RANK IF MILITARY): San Diego Trolley | BUSINESS PHONE (619)595-4962 | DAYS OFF VARY | WORK HRS. VARY | V/W ASSIST N

BUSINESS OR MILITARY ADDRESS: IMPERIAL AV | CITY San Diego | STATE Ca | ZIP 92102

ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)

TOTAL # OF WITNESSES AT CRIME: 2 | PLACE OF ATTACK: 6. Other: Trolley Station

DESCRIPTION OF SURROUNDING AREA: 2. Business

F | SPECIFY: fists | HOW USED: hit

F | SPECIFY: feet | HOW USED: kick

TYPE OF STRUCTURE: Non-Residential | POINT OF ENTRY: 0. N/A | SECURITY USED: 0. N/A | SUSPECT ACTIONS: 31. PUSHED/SHOVED VICTIM; 22. INFLICTED INJURY; 45. TOOK PROPERTY FROM PERSON

0. N/A

TARGET: PERSON

I certify that the information requested will be used solely for those limited purposes stated and will not be used to harass, degrade or humiliate any person. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Police Department and the City of San Diego for any liability arising out of the improper use of the information provided

TYPE LOCK ATTACKED: 0. N/A

VICTIM INJURED: Y | EXTENT OF TREATMENT: NONE | SIC: NO, probably is: ADULT

REPORTING OFFICER: IGGS II | I.D.# 6635 | DIVISION E3 | DETECTIVE(S) ASSIGNED | I.D.# | DIVISION

DATE AND TIME OF REPORT: DATE 07/09/2009 TIME 03:32 | CASE STATUS 131 | AGENCY SDPD | CRIME TYPE PC / 211

REV. 7-01

PAGE 2 OF 8

08035959

PROPERTY

ITEM NO.	ARTICLE NAME	STOLEN	RECV'D	IDENTIFICATION NUMBERS	BRAND, MAKE OR MANUFACTURER	MODEL NAME AND MODEL NUMBER	MISCELLANEOUS DESCRIPTION	VALUE
1	CELLULAR PHONE	1	0	unknown	MOTOROLA	Boost Mobile	Push to talk phone	$100.00
2	CURRENCY	70	0		UNITED STATES			$70.00
3	IPOD	1	0	unknown	APPLE	unknown		$100.00
4								

SUSPECT(S)

ARRESTED: N

SUSPECT #1 (LAST, FIRST, MIDDLE): Suspect, One

NICKNAME/AKA:

ID TYPE:

ID NUMBER:

SUSPECT'S ADDRESS:

CITY:

STATE:

ZIP:

PHONE	RACE	SEX	AGE	DOB	HT.	WT.	BUILD	HAIR COLOR	EYE COLOR
	B	M.	19 - 20		5'10"	150 - 160	NOR	BLK	

ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)

SUSPECT'S CLOTHING

White T-shirt, blue denim shorts

HAIR LGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE
4. NECK 6. OTHER 0.UNKNOWN	8. PONYTAIL	4. GOATEE	5. MEDIUM	0. UNKNOWN	0. UNKNOWN	0. UNKNOWN	0. UNKNOWN

SUSPECT VEHICLE	YEAR	MAKE	MODEL	COLOR / COLOR	TYPE	LICENSE NO.	LIC STATE

ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.)

VIN

VEHICLE IMPOUND

TOWING COMPANY

EVID

EVIDENCE OBTAINED: 5. PHOTOS

See Investigative Addendum for Details.

TAG NOS.

104483

ADDN'L PERSONS LISTED: N

WITNESS CHECK: Y

NARRATIVE

ADDITIONAL OFFENSES:

HEADINGS: CRIME DESCRIPTION; VICTIM(S) STATEMENT; OFFICER'S STATEMENT / INVESTIGATION; EVIDENCE/DISPOSITION; WITNESS STATEMENT/ WITNESS CHECKS; INJURIES / PROPERTY DAMAGE

officer assault:

OAK ZZ

Number Officers 0

Number Officers without personal injury 0

Activity when assault occured:

ARSON

ARSON TYPE:

DESCRIPTION

CONTENT LOSS $ .00

STRUC. LOSS $ .00

ABANDON N

CONTINUED Y

SAN DIEGO REGIONAL ADDITIONAL SUSPECT(S) REPORT

PAGE 3 OF 8 | CASE NUMBER 09035959

LOCATION OF INCIDENT (OR ADDRESS): 4510 ALVARADO CANYON RD RD

CITY: San Diego | BEAT: 321 | DISTRICT:

ARRESTED: N | SUSPECT - (LAST, FIRST, MIDDLE): Suspect, Two

NICKNAME/AKA: | IDTYPE: | ID NUMBER:

SUSPECTS ADDRESS: | CITY: | STATE: | ZIP:

PHONE	RACE	SEX	AGE	DOB	HT.	WT.	BUILD	HAIR COLOR	EYE COLOR
	B	M	18 - 20		5'08"	140	THI	BLK	

ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)

SUSPECT'S CLOTHING: blank tank top, denim shorts, white shoes

HAIR LGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE
5. SHORT 6. OTHER 0.UNKNOWN	2. BRAIDED	7. NONE/FUZZ	0. UNKNOWN	0. UNKNOWN	0. UNKNOWN	0. UNKNOWN	0. UNKNOWN

SUSPECT VEHICLE	YEAR	MAKE	MODEL	COLOR / COLOR	TYPE	LICENSE NO.	LIC STATE

ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.) | VIN | VEHICLE IMPOUND | TOWING COMPANY

ARRESTED: N | SUSPECT - (LAST, FIRST, MIDDLE): Suspect, Three

NICKNAME/AKA: | IDTYPE: | ID NUMBER:

SUSPECT'S ADDRESS: | CITY: | STATE: | ZIP:

PHONE	RACE	SEX	AGE	DOB	HT.	WT.	BUILD	HAIR COLOR	EYE COLOR
	B	M	18 - 20-		5'09"	140	NOR	BLK	

ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)

SUSPECT'S CLOTHING: WHITE tank top, blue denim shorts

HAIR LGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE
5. Short 6. Other 0.UNKNOWN	0. UNKNOWN	0. Unknown	0. Unknown	0. Unknown	0. Unknown	0. Unknown	0. Unknown

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SUSPECT VEHICLE	YEAR	MAKE	MODEL	COLOR / COLOR	TYPE	LICENSE NO.	LIC STATE

ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.) | VIN | VEHICLE IMPOUND | TOWING COMPANY

REPORTING OFFICER: GGS II | I.D.: 6635 | DATE: 7/9/09

CONTINUE: Y

INVESTIGATION ADDENDUM REPORT

CONTINUED FROM CRIME REPORT	PAGE 4 OF 8	09070018083 CASE NUMBER 09035959

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)
PC / 211 / ROBBERY

LOCATION OF INCIDENT (OR ADDRESS)
4510 ALVARADO CANYON RD RD

CITY	DATE	DAY OF WEEK	TIME	BEAT
San Diego	07/08/2009	Wed	22:54	321

PERSON(S) INVOLVED: VICTIM
Alshaikh, Miccael Abdulmalek

SUSPECT (IF NAMED)
Suspect, One

PROPERTY TAG NO(S)
104483

EVIDENCE COLLECTION

Officer's Investigation:
I conducted the following attempts to locate, collect and preserve evidence from the crime scene at
4510 ALVARADO CANYON RD, San Diego

I made an effort to locate physical evidence YES

LATENT PRINTS:

If YES, what areas were printed with what results:

Location	# of Prints Lifted	Disposition
NONE FOUND		

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REPORTING OFFICER	I.D.#	DIVISION		DATE OF REPORT	TIME
BRIGGS II	6635	E3		07/09/2009	03:32

ARJIS-2 (REV 7-95 ELECTRONIC)

INCIDENT NUMBER 09070018083
PAGE 5 OF 8
CASE NUMBER 09035959

OTHER PHYSICAL EVIDENCE:

I made other attempts to locate physical evidence at the scene. NO

If NO, explain:

I recovered evidence listed in the spaces below (include photographs also):

Item Description: digital photos of victim/injur
By Whom: 5655
How Marked: case # 09-035959
Disposition: Impounded
Location Found:
Tag Number: 104483

Item Description:
By Whom:
How Marked:
Disposition:
Location Found:
Tag Number:

Item Description:
By Whom:
How Marked:
Disposition:
Location Found:
Tag Number:

Item Description:
By Whom:
How Marked:
Disposition:
Location Found:
Tag Number:

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Item Description:
By Whom:
How Marked:
Disposition:
Location Found:
Tag Number:

Item Description:
By Whom:
How Marked:
Disposition:
Location Found:
Tag Number:

ntinue with additional witness / evidence check information on another Investigation Addendum Report.

CONTINUED Y

San Diego Regional Officer's Report Narrative

Continued From: CRIME	Incident Number 09070018083
	Case Number 09035959
Page 6 of 8	
Code Section And Description (one incident only) PC / 211 / ROBBERY	Date 7/8/09 · Day of Week Wed · Time 22:54
Location Of Incident (Or Address) 4510 ALVARADO CANYON RD RD	City San Diego · District · Beat 321
Person(s) Involved: Victim Alshaikh, Miccael Abdulmalek	
Suspect (If Named) Suspect, One	
Property Tag No.(s) 104483	

SYNOPSIS:

The three described suspects hit and kicked the victim, Miccael ALSHAIKH, multiple times and took his cellular phone, iPod, and $70.00 cash. The total loss is valued at $270.00. The victim received minor injures. No one is in custody at the time of this report. The victim and one witness can identify the suspects.

ORIGIN:

On 7-8-09, at 2303 hours, Officer Gasteiger # 5655 and I responded to a radio call of a robbery at the San Diego Grantville Trolley Station at 4510 Alvarado Road.

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BACKGROUND:

None

INVESTIGATION:

While Officer Gasteiger and I were en-route to the scene, dispatch put out the following description of the suspects: 3 black males, #1 light complexion, thin, 5' 9"- 5'10" tall wearing a black shirt; #2 wearing a white shirt, and #3 wearing a white tank-top. Upon our arrival, SDFD Medic Unit #62 was evaluating the victim's, Miccael ALSHAIKH, injuries. I observed that ALSHAIKH had a swollen and bruised right eye, and he was holding his right shoulder as if it were injured. ALSHAIKH'S clothing was disheveled and he was sweating. ALSHAIKH refused treatment by Medics and signed a waiver letter.

I contacted ALSHAIKH and obtained the following statement:

Statement of Miccael ALSHAIKH (Victim):

ALSHAIKH told me he was on his way to a friend's house in Hillcrest. ALSHAIKH said he went to check the schedule at the bus stop and asked a group of three black males standing nearby what time it was. ALSHAIKH said the three black males jumped him without saying anything and started beating the "crap" out of him. ALSHAIKH said they hit and kicked him in the body and head multiple times for 40 to 45 seconds. ALSHAIKH said he saw the male in the white tank top grab his backpack he was carrying and take items from it. ALSHAIKH said the males then left, got on a bus at the bus stop, and then got off the bus and started running westbound from the Trolley Station.

Reporting Officer	ID #	Division	Approved By	Date of Report	Time
BRIGGS II	6635	E3		7/9/09	03:32

Continued Y

Continued From: CRIME	San Diego Regional Officer's Report Narrative		Incident Number 09070018083	
Page 7 of 8			Case Number 09035959	
Code Section And Description (one incident only) PC / 211 / ROBBERY	Date 7/8/09		Day of Week Wed	Time 22:54
Location Of Incident (Or Address) 4510 ALVARADO CANYON RD RD		City San Diego	District	Beat 321
Person(s) Involved: Victim Alshaikh , Miccael Abdulmalek				
Suspect (If Named) Suspect , One				
Property Tag No.(s) 104483				

ALSHAIKH said he determined the three suspects took his Motorola cellular phone, $70.00 cash, and his iPod. ALSHAIKH told me the suspects did not say anything to him during the entire incident. ALSHAIKH said the suspects did not say anything as they were leaving the scene. ALSHAIKH said he could identify the suspects if he saw them again.

Officer Gasteiger took 7 digital photos of ALSHAIKH and his injuries. Officer Gasteiger, Officer Hill, and myself checked the area for any other evidence and did not find any. A Trolley cleaning crew was present nearby at the time of the incident and had power washed the area were the robbery occurred before our arrival.

Officer Hill, # 3117, performed a witness check. Officer Hill obtained a statement from a witness, John FREELAND (09-30-76), who was working on the cleaning crew at the Trolley Station. See Officer Hill's Arjis 9 report for details.

I provided and explained to ALSHAIKH the Marsy's Law Victim's Bill of Rights Card, with the case number written on top of it. I obtained ALSHAIKH'S e-mail address, which is included in the contact information above.

ALSHAIKH asked if we could transport him to Alvarado Hospital to have his injuries evaluation. Officer Gasteiger and I provided ALSHAIKH with a courtesy transport to Alvarado Hospital.

EVIDENCE:

7 Digital Photos of ALSHAIKH and his injuries. Impounded at Eastern under tag # 104483.

INJURIES:

ALSHAIKH sustained a swollen and bruised right eye, a sore and possibly dislocated right shoulder, and abrasions on his knees.

PROPERTY DAMAGE:

None

FOLLOW-UP:

None

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Reporting Officer RIGGS II	ID # 6635	Division E3	Approved By	Date of Report 7/9/09	Time 03:32

Continued Y

San Diego Regional Officer's Report Narrative

Continued From: CRIME		Incident Number 09070018083		
Page 8 of 8		Case Number 09035959		
Code Section And Description (one incident only) PC / 211 / ROBBERY	Date 7/8/09	Day of Week Wed	Time 22:54	
Location Of Incident (Or Address) 4510 ALVARADO CANYON RD RD	City San Diego		District	Beat 321
Person(s) Involved: Victim Alshaikh, Miccael Abdulmalek				
Suspect (If Named) Suspect, One				
Property Tag No.(s) 104483				

RELATED REPORTS:

Officer Hill's Arjis 9.

Approved By: T. Underwood 5217

certify that the information requested will be used solely for those limited purposes stated and will not be used to harass, degrade or humiliate any person. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Police Department and the City of San Diego for any liability arising out of the improper use of the information provided

Reporting Officer	ID #	Division	Approved By	Date of Report	Time
BRIGGS II	6635	E3		7.9.09	03:32

Continued Y

A CASE ADDITIONS
D CASE DELETIONS
C CASE CHANGES

SAN DIEGO REGIONAL
ADDITIONAL PROPERTY REPORT

PAGE 1 OF 2
CASE NUMBER 09-035955
DATE
BEAT
DISTRICT

LOCATION OF INCIDENT (OR ADDRESS) 4510 ALVARADO CANYON RD.
CITY

VICTIM'S NAME MICCAEL ALSHAIKH

ITEM NO.	ARTICLE NAME	QTY STOLEN / REC'D	IDENTIFICATION NUMBERS	BRAND, MAKE OR MANUFACTURER	MODEL NAME AND MODEL NUMBERS	MISCELLANEOUS DESCRIPTION	VALUE
02	CURRENCY	70 / 1		UNITED STATES			$70.00
#	CELLULAR PHONE	1 / 0	UNKNOWN	MOTOROLA	BOOST MOBILE	PUSH TO TALK	$100.00

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REPORTING OFFICER S. ELOL
I.D. 3354
DATE
APPROVED BY
I.D. #

ARJIS-4 (Rev. 5-90) 591376

CONTINUED ☐

ITEM	ARTICLE NAME	QTY STOLEN / REC'D	IDENTIFICATION NUMBERS	BRAND, MAKE OR MANUFACTURER	MODEL NAME AND MODEL NUMBERS	MISCELLANEOUS DESCRIPTION	VALUE

...information requested will be ...d purposes stated ...es, disseminator ...requesting agency ...to indemnify and hold harmless the City of San Diego ...Department and ... for any liability arising out of the improper use of the information provided

CONTINUED

Alvarado Hospital
6655 Alvarado Rd, San Diego CA 92120
(619)229-3130

Discharge Instructions

Christopher Sterrett M.D.

Miccael Alshaikh
MR#: 787608

PHYSICAL ASSAULT

[Adult]

You have been examined today for physical injuries. Because of the emotional upset that happens during a physical assault, you may not be aware of areas of pain or injury until tomorrow. Watch for the signs below.

Following a physical assault, it is normal to feel many strong emotions. Shock, embarrassment, fear, depression, blame, guilt, shame or anger are all very common and normal feelings. For a while, you may find it hard to find a sense of balance in your life. You may not be able to think clearly and you may have strong emotions about what happened to you. This is normal.

It can take time to get back to the point where you feel comfortable and safe again. Crisis intervention and supportive counseling can help you get through this.

Many states require your doctor to notify the law enforcement agency when they treat a victim of a violent crime. This does not mean that you have to prosecute or go to trial. You may be eligible for compensation of medical costs or losses related to the assault. Talk to the local law enforcement agency for details.

HOME CARE:

1) Follow your doctor's advice regarding the care of any physical injuries.

2) You may use acetaminophen (Tylenol) or ibuprofen (Motrin, Advil) to control pain, unless another pain medicine was prescribed. [NOTE : If you have chronic liver or kidney disease or ever had a stomach ulcer or GI bleeding, talk with your doctor before using these medicines.]

3) Don't isolate yourself. For the next few days, you may prefer to stay with family or a friend for emotional support and a sense of physical safety. Seek out local resources or refer to the links below for more information.

FOLLOW UP with your doctor or as advised by our staff. Refer to the links below for more information.

-- National Center for Victims of Crime (NCVC) (offers victim services, referrals, articles on victim issues, and other resources) www.ncvc.org , 800-394-2255
-- National Organization for Victim Assistance (NOVA) (articles on victims issues, provides victim assistance, coordinates the National Crime Victim Information and Referral Hotline)

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Alvarado Hospital
6655 Alvarado Rd, San Diego CA 92120
(619)229-3130

Discharge Instructions (con't)

Christopher Sterrett M.D.

Miccael Alshaikh
MR#: 787608

www.trynova.org, 800-879-6682

[NOTE: If X-rays were taken, they will be reviewed by a radiologist. You will be notified of any other findings that may affect your care.]

GET PROMPT MEDICAL ATTENTION if any of the following occur:
-- New or worsening headache or visual problems
-- New or worsening neck, back, abdomen, arm or leg pain
-- Shortness of breath or increasing chest pain
-- Repeated vomiting, dizziness or fainting
-- Excessive drowsiness or unable to wake up as usual
-- Confusion or change in behavior or speech, memory loss or blurred vision
-- Redness, swelling, or pus coming from any wound

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Alvarado Hospital
6655 Alvarado Rd, San Diego CA 92120
(619)229-3130
Discharge Instructions (con't)

hristopher Sterrett M.D.

Miccael Alshaikh
MR#: 787608

Special advice for: Miccael Alshaikh

Call Mark D Jacobson M.D. today or the next business day for an appointment to be seen within the next 1 weeks if not improving. When you call to make the appointment, tell the secretary that you were referred from this facility. When you go to see the doctor, bring these instructions with you.

Return to this facility if you are not improving as expected.

REFERRALS:

Mark D Jacobson M.D. (619)286-9480
5555 Reservoir Dr. Suite 104, San Diego (None)

ıe exam and treatment that you received today has been provided on an emergency basis only. If your problem worsens or new symptoms appear, contact your doctor or return to this facility for further care.

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Corrected Second Amended

SUMMONS
(CITACION JUDICIAL)

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

DIVISION

2010 DEC -7 P 1:20

SUPERIOR COURT
COUNTY, CA

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Metropolitan Transit System; Heritage Security Services; DOES1-5: Lawrence Richman; Paul Jablonski; Willaim Burke; Randall Iwasaki; & Mike Flanigan

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Miccael Alshaikh and Babette Beriones (Pro per)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California
330 Hall of Justice
W. Broadway, San Diego, CA 92101

CASE NUMBER:
(Número del Caso):
37-2009-00104380-CU-PO-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Miccael Alshaikh and Babette Beriones, 1147 Cotton Street, San Diego, CA 92101

DATE: 12-07-10 DEC 0 7 2010
(Fecha)

Clerk, by *(Secretario)* C. Beutler, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify)*:

4. ☐ by personal delivery on *(date)*:

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:
Miccael Alshaikh (Pro per)
Babette Beriones (Pro per)
1147 Cotton Street
San Diego, CA 92102
TELEPHONE NO: (619) 997-1671 FAX NO. *(Optional)*:
E-MAIL ADDRESS *(Optional)*: babettebe@yahoo.com
ATTORNEY FOR *(Name)*: (Pro per)

FOR COURT USE ONLY

...DIVISION
2010 DEC -7 P 1:20
...PERIOR COURT
...COUNTY, CA

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego
STREET ADDRESS: 330 Hall of Justice W. Broadway
MAILING ADDRESS:
CITY AND ZIP CODE: San Diego, CA
BRANCH NAME: Superior Court of California, County of San Diego

PLAINTIFF: Miccael Alshaikh and Babette Beriones

DEFENDANT: [MTS, Heritage Security Services] DOES1-5: Lawrence Richman; PAUL Joblnski; William Burke; Randall Iwasaki; Mike Flanigan ~~et al.~~

☑ DOES ~~6 TO 10~~

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

☑ **AMENDED *(Number)*: 2**

Type *(check all that apply)*:

☐ **MOTOR VEHICLE** ☐ **OTHER *(specify)*:**
☑ **Property Damage** ☐ **Wrongful Death**
☑ **Personal Injury** ☑ **Other Damages *(specify)*:** Punitive

Jurisdiction *(check all that apply)*:

☐ **ACTION IS A LIMITED CIVIL CASE**
Amount demanded ☐ **does not exceed $10,000**
☐ **exceeds $10,000, but does not exceed $25,000**
☑ **ACTION IS AN UNLIMITED CIVIL CASE (exceeds $25,000)**
☐ **ACTION IS RECLASSIFIED by this amended complaint**
☐ **from limited to unlimited**
☐ **from unlimited to limited**

CASE NUMBER:
37-2009-00104380-CU-PO-CTL

1. **Plaintiff** *(name or names)*: Miccael Alshaikh and Babette Beriones
alleges causes of action against **defendant** *(name or names)*: Metropolitan Transit System; Heritage Security Services; Does 1-5: Lawrence Richman; Paul Joblonski; William Burke; Randall Iwasaki; and Mike Flanigan et al.
2. This pleading, including attachments and exhibits, consists of the following number of pages:
3. Each plaintiff named above is a competent adult
   a. ☐ **except** plaintiff *(name)*:
      (1) ☐ a corporation qualified to do business in California
      (2) ☐ an unincorporated entity *(describe)*:
      (3) ☐ a public entity *(describe)*:
      (4) ☐ a minor ☐ an adult
         (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
         (b) ☐ other *(specify)*:
      (5) ☐ other *(specify)*:
   b. ☐ **except** plaintiff *(name)*:
      (1) ☐ a corporation qualified to do business in California
      (2) ☐ an unincorporated entity *(describe)*:
      (3) ☐ a public entity *(describe)*:
      (4) ☐ a minor ☐ an adult
         (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
         (b) ☐ other *(specify)*:
      (5) ☐ other *(specify)*:

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE: ALSHAIKH v. CITY OF SAN DIEGO, ET AL.	CASE NUMBER: 37-2009-00104380-CU-PO-CTL

4. [ ] Plaintiff *(name):*
is doing business under the fictitious name *(specify):*

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. [✓] except defendant *(name):* Metropolitan Transit
(1) [ ] a business organization, form unknown
(2) [✓] a corporation
(3) [ ] an unincorporated entity *(describe):*
(4) [ ] a public entity *(describe):*
(5) [ ] other *(specify):*

b. [ ] except defendant *(name):*
(1) [ ] a business organization, form unknown
(2) [ ] a corporation
(3) [ ] an unincorporated entity *(describe):*
(4) [ ] a public entity *(describe):*
(5) [ ] other *(specify):*

c. [✓] except defendant *(name):* Heritage Securtiy Services
(1) [ ] a business organization, form unknown
(2) [✓] a corporation
(3) [ ] an unincorporated entity *(describe):*
(4) [ ] a public entity *(describe):*
(5) [ ] other *(specify):*

d. [ ] except defendant *(name):*
(1) [ ] a business organization, form unknown
(2) [ ] a corporation
(3) [ ] an unincorporated entity *(describe):*
(4) [ ] a public entity *(describe):*
(5) [ ] other *(specify):*

[ ] Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. [✓] Doe defendants *(specify Doe numbers):* 1-5 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. [✓] Doe defendants *(specify Doe numbers):* 6-10 are persons whose capacities are unknown to plaintiff.

7. [ ] Defendants who are joined under Code of Civil Procedure section 382 are *(names):*

8. This court is the proper court because

a. [ ] at least one defendant now resides in its jurisdictional area.
b. [ ] the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
c. [✓] injury to person or damage to personal property occurred in its jurisdictional area.
d. [ ] other *(specify):*

9. [✓] Plaintiff is required to comply with a claims statute, and

a. [ ] has complied with applicable claims statutes, or
b. [✓] is excused from complying because *(specify):*

AMENDED COMPLAINT

PLD-PI-001

SHORT TITLE:	CASE NUMBER:
ALSHAIKH v. CITY OF SAN DIEGO, ET AL.	37-2009-00104380-CU-PO-CTL

10. The following causes of action are attached and the statements above apply to each *(each complaint must have one or more causes of action attached):*
   a. [ ] Motor Vehicle
   b. [✓] General Negligence
   c. [ ] Intentional Tort
   d. [ ] Products Liability
   e. [✓] Premises Liability
   f. [✓] Other *(specify):*
      Exemplary damages

11. Plaintiff has suffered
   a. [✓] wage loss
   b. [✓] loss of use of property
   c. [✓] hospital and medical expenses
   d. [✓] general damage
   e. [✓] property damage
   f. [✓] loss of earning capacity
   g. [✓] other damage *(specify):*
      Punitive damages

12. [ ] The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
   a. [ ] listed in Attachment 12.
   b. [ ] as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
   a. (1) [✓] compensatory damages
      (2) [✓] punitive damages
   The amount of damages is *(in cases for personal injury or wrongful death, you must check (1)):*
      (1) [ ] according to proof
      (2) [✓] in the amount of: $

15. [✓] The paragraphs of this complaint alleged on information and belief are as follows *(specify paragraph numbers):*
   GN-1, L-2, AND EX-3

Date: 12-07-10

Micael Alshaikh (proper)
Babette Beriones (proper)
(TYPE OR PRINT NAME)

Micael Alshaikh
Babette Beriones
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(2)

SHORT TITLE: ALSHAIKH v. CITY of SAN DIEGO, ET AL.	CASE NUMBER:

First (number) **CAUSE OF ACTION—General Negligence** Page 1

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff *(name)*: Miccael Alshaikh

alleges that defendant *(name)*: Metropolitan Transit System; Heritage Security Services,

DOES 1-5: Lawrence Richman; Paul Jablonski; William Burke; Randall-Iwasaki; and Mike Flanigan.

[✓] Does 6 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on *(date)*: July 8th, 2009

at *(place)*: 4510 Alvarado Canyon Rd., San Diego, CA 92120

(description of reasons for liability):

Defendants failed to provide the minimum industry standards; such as adequate security i.e. private security patrol, adequate lighting and adequate surveillance monitoring. The manner in which the premises were hazardous was a result of inadequate security safeguards. The nature of these inadequate security safeguards directly led to the unsafe conditions that Plaintiff found himself in, at the Grantville Trolley Station on the night of July 8th 2009. The lack of adequate security safeguards when the Plaintiff was using public transportation directly led to the assault suffered by the Plaintiff. Had adequate security safeguards been provided and maintained by the Defendants it is highly likely that the assault would never had occurred, nor would the Plaintiff ever had sustained injury.

PLD-PI-001(4)

SHORT TITLE: ALSHAIKH v. CITY of SAN DIEGO , ET AL.	CASE NUMBER:

second (number) **CAUSE OF ACTION—Premises Liability** Page 2

ATTACHMENT TO ☑ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff *(name)*: Miccael Alshaikh

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On *(date)*: July 8th, 2009 plaintiff was injured on the following premises in the following fashion *(description of premises and circumstances of injury)*:

The manner in which the premises were hazardous was a result of inadequate security safeguards. Defendant failed to provide the minimum industry standards; such as adequate security i.e. private security patrol, adequate lighting and adequate surveillance monitoring. The nature of these inadequate security safeguards directly led to the unsafe conditions that Plaintiff found himself in, at the Grantville Trolley Station on the night of July 8th 2009. 3 unknown assailants maliciously attacked, beat and robbed Plaintiff, Miccael Alshaikh, while he waited for the trolley.

Prem.L-2. ☑ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were *(names)*:

Metropolitan Transit System and, Heritage Security Services; DOES 1-5: Lawrence-Richman; Paul Jablonski; William Burke; Randall Iwasaki; and Mike Flanigan et al.

☑ Does 6 to 10

Prem.L-3. ☐ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were *(names)*:

☐ Does ______ to ______

Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☑ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were *(names)*:

Metropolitan Transit System and Heritage Security Services

☑ Does 1 to 10

a. ☑ The defendant public entity had ☐ actual ☑ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☑ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☐ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were *(names)*:

DOES 1-5: Lawrence Richman; Paul Jablonski; William Burke; Randall Iwasaki; and Mike Flanigan.

☑ Does 6 to 10

b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☐ as follows *(names)*:

PLD-PI-001(6)

SHORT TITLE: ALSHAIKH v. CITY of SAN DIEGO, ET AL.	CASE NUMBER

Exemplary Damages Attachment

Page 3

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1. As additional damages against defendant *(name):*
Metropolitan Transit System (MTS)

Plaintiff alleges defendant was guilty of
- [✓] malice
- [ ] fraud
- [✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant Metropolitan Transit System (MTS) has a responsibility and obligation to protect the safety and welfare of its citizens when using its system of public transportation. MTS willfully failed to provide proper safeguards such as adequate security i.e. private security patrol, adequate lighting and adequate surveillance monitoring to protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley, San Diego, CA. 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed Plaintiff, Miccael Alshaikh, while he waited for the trolley, injuring him and taking his personal property.

EX-3. The amount of exemplary damages sought is
a. [✓] not shown, pursuant to Code of Civil Procedure section 425.10.
b. [ ] $

PLD-PI-001(6)

SHORT TITLE: ALSHAIKH v. CITY of SAN DIEGO, ET AL.	CASE NUMBER:

Exemplary Damages Attachment

Page 4

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1. As additional damages against defendant *(name)*:

Heritage Security Services

Plaintiff alleges defendant was guilty of

[✓] malice

[ ] fraud

[✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant Heritage Security Services has a responsibility and obligation to protect the safety and welfare of its citizens when using its system of public transportation. Heritage Security Services willfully failed to provide proper safeguards such as adequate security i.e. private security patrol, adequate lighting and adequate surveillance monitoring to protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley, San Diego, CA. 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed Plaintiff, Miccael Alshaikh, while he waited for the trolley, injuring him and taking his personal property.

EX-3. The amount of exemplary damages sought is

a. [✓] not shown, pursuant to Code of Civil Procedure section 425.10.

b. [ ] $

PLD-PI-001(6)

SHORT TITLE: ALSHAIKH v. CITY OF SAN DIEGO ET. AL.	CASE NUMBER:

Exemplary Damages Attachment

Page 5

ATTACHMENT TO ☑ Complaint ☐ Cross - Complaint

EX-1. As additional damages against defendant *(name):*
Mr. Randall Iwasaki, Director of CALTRANS

Plaintiff alleges defendant was guilty of

- ☑ malice
- ☐ fraud
- ☑ oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant Mr. Randall Iwasaki, Director of CALTRANS has a responsibility and obligation to protect the safety and welfare of its citizen when using its system of public transportation. Mr. Iwasaki failed to provide proper safeguards such as adequate security i.e. private security-patrol, adequate lighting and adequate surveillance monitoring to protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley, San Diego, CA. 92120; does 1-3 maliciously attacked, beat and robbed Plaintiff, Miccael Alshaikh, while he waited for the trolley, injuring him and taking his personal property.

EX-3. The amount of exemplary damages sought is

a. ☑ not shown, pursuant to Code of Civil Procedure section 425.10.

b. ☐ $

PLD-PI-001(6)

SHORT TITLE: ALSHAIKH v. CITY OF SAN DIEGO ET. AL.	CASE NUMBER:

Exemplary Damages Attachment

Page 6

ATTACHMENT TO ☑ Complaint ☐ Cross - Complaint

EX-1. As additional damages against defendant *(name):*

Mr. Mike Flanigan, Director of Federal Transit Administration (FTA)

Plaintiff alleges defendant was guilty of

☑ malice

☐ fraud

☑ oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant Mr. Mike Flanigan, Director of FTA has a responsibility and obligation to protect the safety and welfare of its citizen when using its system of public transportation.
Mr. Flanigon failed to provide proper safeguards such as adequate security i.e. private security-patrol, adequate lighting and adequate surveillance monitoring to protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley, San Diego, CA. 92120; does 1-3 maliciously attacked, beat and robbed Plaintiff, Miccael Alshaikh, while he waited for the trolley, injuring him and taking his personal property.

EX-3. The amount of exemplary damages sought is

a. ☑ not shown, pursuant to Code of Civil Procedure section 425.10.

b. ☐ $

Form Approved for Optional Use
Judicial Council of California
PLD-PI-001(6) [Rev. January 1, 2007]

Code of Civil Procedure, § 425.12
www.courtinfo.ca.gov

"EXHIBIT A"

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

City of San Diego, MTS, SANDAG, Heritage Security, CALTRANS and NTSB

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Miccael Alshaikh and Babette Beriones

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California
530 Hall of Justice
W. Broadway, San Diego, CA 92101-3827

CASE NUMBER
(Número del Caso)
37-2009-00104380-CU-PO-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Miccael Alshaikh and Babette Beriones, 1147 Cotton Street San Diego, CA 92102 (Pro per)

DATE: 12-23-09 Babette Beriones Miccael Alshaikh DEC 2 3 2009 Clerk, by (Secretario) T. HART + Babette Beriones, Deputy (Adjunto)
(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:

3. ☐ on behalf of *(specify)*:

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify)*:
4. ☐ by personal delivery on *(date)*:

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)
Micqael Alshaikh and Babette Berionès
1147 Cotton Street
San Diego, CA 92102

TELEPHONE NO (619) 997-1671 FAX NO
ATTORNEY FOR (Name) (Pro per)

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS 530 Hall of Justice
MAILING ADDRESS W. Broadway
CITY AND ZIP CODE San Diego, CA 92101-3827
BRANCH NAME Superior Court of California, County of San Diego

CASE NAME
Alshaikh v. SANDAG

CIVIL CASE COVER SHEET

- [✓] Unlimited (Amount demanded exceeds $25,000)
- [ ] Limited (Amount demanded is $25,000 or less)

Complex Case Designation
- [ ] Counter
- [ ] Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER
37-2009-00104380-CU-PO-CTL
JUDGE
DEPT

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Asbestos (04)
- [ ] Product liability (24)
- [ ] Medical malpractice (45)
- [✓] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [ ] Wrongful termination (36)
- [ ] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Rule 3.740 collections (09)
- [ ] Other collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/Inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [ ] Writ of mandate (02)
- [ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [ ] Other complaint (*not specified above*) (42)

Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition (*not specified above*) (43)

2. This case [ ] is [✓] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought (*check all that apply*): a. [✓] monetary b. [ ] nonmonetary; declaratory or injunctive relief c. [ ] punitive
4. Number of causes of action (*specify*): 2
5. This case [ ] is [✓] is not a class action suit
6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: 12-23-09
-Micqael Alshaikh
-Babette Berionès
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code) (Cal Rules of Court, rule 3 220.) Failure to file may result in sanctions
- File this cover sheet in addition to any cover sheet required by local court rule
- If this case is complex under rule 3 400 et seq of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding
- Unless this is a collections case under rule 3 740 or a complex case, this cover sheet will be used for statistical purposes only

American LegalNet, Inc.
www.FormsWorkflow.com

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Miccael Alshaikh and Babette Beriones
1147 Cotton Street
San Diego, CA 92102

TELEPHONE NO: (619) 997-1671 FAX NO (Optional):

E-MAIL ADDRESS (Optional): babettebe@yahoo.com

ATTORNEY FOR (Name): (Pro per)

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS: 330 Hall of Justice W. Broadway, CA 92101-3827

MAILING ADDRESS:

CITY AND ZIP CODE: San Diego, CA

BRANCH NAME: Superior Court of California, County of San Diego

PLAINTIFF: Miccael Alshaikh and Babette Beriones

DEFENDANT: City of San Diego, MTS, SANDAG, Heritage Security, CALTRANS and NTSB

[✓] DOES 1 TO 10

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

[ ] AMENDED (Number):

Type (check all that apply):

[ ] MOTOR VEHICLE [✓] OTHER (specify): assault and battery

[✓] Property Damage [ ] Wrongful Death

[✓] Personal Injury [✓] Other Damages (specify): punitive damage

Jurisdiction (check all that apply):

[ ] ACTION IS A LIMITED CIVIL CASE

Amount demanded [ ] does not exceed $10,000

[ ] exceeds $10,000, but does not exceed $25,000

[✓] ACTION IS AN UNLIMITED CIVIL CASE (exceeds $25,000)

[ ] ACTION IS RECLASSIFIED by this amended complaint

[ ] from limited to unlimited

[ ] from unlimited to limited

CASE NUMBER:

37-2009-00104380-CU-PO-CTL

1. Plaintiff (name or names): Miccael Alshaikh and Babette Beriones

alleges causes of action against defendant (name or names):

City of San Diego, MTS, SANDAG, Heritage Security, CALTRANS and NTSB

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult

a. [ ] except plaintiff (name):

(1) [ ] a corporation qualified to do business in California

(2) [ ] an unincorporated entity (describe):

(3) [ ] a public entity (describe):

(4) [ ] a minor [ ] an adult

(a) [ ] for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) [ ] other (specify):

(5) [ ] other (specify):

b. [ ] except plaintiff (name):

(1) [ ] a corporation qualified to do business in California

(2) [ ] an unincorporated entity (describe):

(3) [ ] a public entity (describe):

(4) [ ] a minor [ ] an adult

(a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) other (specify):

(specify):

[ ] Information about additional plaintiffs who are not competent adults is shown in Attachment 3

PLD-PI-001

SHORT TITLE: Alshaikh v. SANDAG ET AL.	CASE NUMBER

4 [ ] Plaintiff *(name)*
is doing business under the fictitious name *(specify)*:

and has complied with the fictitious business name laws

5 Each defendant named above is a natural person

a. [✓] except defendant *(name)*: City of San Diego
(1) [ ] a business organization, form unknown
(2) [ ] a corporation
(3) [ ] an unincorporated entity *(describe)*:
(4) [✓] a public entity *(describe)*:
City of San Diego, CA
(5) [ ] other *(specify)*:

b. [✓] except defendant *(name)*: MTS
(1) [ ] a business organization, form unknown
(2) [✓] a corporation
(3) [ ] an unincorporated entity *(describe)*:
(4) [ ] a public entity *(describe)*
(5) [ ] other *(specify)*:

c. [✓] except defendant *(name)*: SANDAG
(1) [ ] a business organization, form unknown
(2) [ ] a corporation
(3) [ ] an unincorporated entity *(describe)*:
(4) [✓] a public entity *(describe)*:
San Diego Association of Government
(5) [ ] other *(specify)*:

d. [✓] except defendant *(name)*: Heritage Security
(1) [ ] a business organization, form unknown
(2) [✓] a corporation
(3) [ ] an unincorporated entity *(describe)*
(4) [ ] a public entity *(describe)*
(5) [ ] other *(specify)*

[✓] Information about additional defendants who are not natural persons is contained in Attachment 5.

6 The true names of defendants sued as Does are unknown to plaintiff.

a. [ ] Doe defendants *(specify Doe numbers)*: ______________ were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. [✓] Doe defendants *(specify Doe numbers)*: 1-10 ______________ are persons whose capacities are unknown to plaintiff.

7 [ ] Defendants who are joined under Code of Civil Procedure section 382 are *(names)*:

8 This court is the proper court because

a. [ ] at least one defendant now resides in its jurisdictional area.
b. [ ] the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area
c. [✓] injury to person or damage to personal property occurred in its jurisdictional area.
d. [ ] other *(specify)*:

9 [✓] Plaintiff is required to comply with a claims statute, and

a. [✓] has complied with applicable claims statutes, or
b. [ ] is excused from complying because *(specify)*:

PLD-PI-001

SHORT TITLE	CASE NUMBER
Alshaikh v. SANDAG ET AL.	

4 [ ] Plaintiff *(name)*
is doing business under the fictitious name *(specify)*

and has complied with the fictitious business name laws

5 Each defendant named above is a natural person

a [✓] except defendant *(name)* CALTRANS
(1) [ ] a business organization, form unknown
(2) [ ] a corporation
(3) [ ] an unincorporated entity *(describe)*
(4) [✓] a public entity *(describe)*.
CALTRANS
(5) [ ] other *(specify)*:

c [✓] except defendant *(name)*: NTSB
(1) [ ] a business organization, form unknown
(2) [ ] a corporation
(3) [ ] an unincorporated entity *(describe)*
(4) [✓] a public entity *(describe)*:
National Safety Transportation Board
(5) [ ] other *(specify)*:

PLD-PI-001

SHORT TITLE	CASE NUMBER
Alshaikh v. SANDAG, ET AL.	

10 The following causes of action are attached and the statements above apply to each *(each complaint must have one or more causes of action attached)*

a [ ] Motor Vehicle
b [✓] General Negligence
c [ ] Intentional Tort
d. [ ] Products Liability
e [✓] Premises Liability
f [✓] Other *(specify)*

Exemplary damages

11 Plaintiff has suffered

a. [✓] wage loss
b. [✓] loss of use of property
c [✓] hospital and medical expenses
d. [✓] general damage
e [✓] property damage
f [✓] loss of earning capacity
g [✓] other damage *(specify)*

punitive damages.

12 [ ] The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

a [ ] listed in Attachment 12
b [ ] as follows

13 The relief sought in this complaint is within the jurisdiction of this court

14 Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable, and for

a (1) [✓] compensatory damages
(2) [✓] punitive damages

The amount of damages is *(in cases for personal injury or wrongful death, you must check (1))*

(1) [✓] according to proof
(2) [ ] in the amount of: $ 2.75 million

15 [✓] The paragraphs of this complaint alleged on information and belief are as follows *(specify paragraph numbers)*

GN-1, L-2, and EX-3

Date 12-23-09

Micakel Alshaikh MA

Babette Berrones

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(2)

SHORT TITLE: Alshaikh v. SANDAG, ET AL.	CASE NUMBER:

First (number) **CAUSE OF ACTION—General Negligence** Page 5

ATTACHMENT TO ☑ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff *(name)*: Miccael Alshaikh

alleges that defendant *(name)*: City of San Diego, MTS, Heritage Security, SANDAG, CALTRANS, — NTSB

☑ Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on *(date)*: July 8, 2009

at *(place)*: 4510 Alvarado Canyon Rd., San Diego, CA 92120

(description of reasons for liability):

Defendants failed to implement safeguards and adequately protect the safety of its patrons when using the system of public transportation.

Defendants negligently failed to provide adequate protection when using the system of public transportation.

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PLD-PI-001(4)

SHORT TITLE	CASE NUMBER
Alshaikh v. SANDAG, ET AL.	

Second (number) **CAUSE OF ACTION—Premises Liability** Page 6

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem L-1. Plaintiff *(name)* Miccael Alshaikh
alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
On *(date)* July 8, 2009 plaintiff was injured on the following premises in the following fashion *(description of premises and circumstances of injury)*:

On July 8, 2009, at the Grantville Trolley Station, San Diego, CA 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed plaintiff, Miccael Alshaikh, while he waited for the trolley; injuring and taking his personal property.

Prem L-2. [✓] **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were *(names)*:
City of San Diego, MTS, Heritage Security, SANDAG, CALTRANS and NTSB.

[✓] Does 1 to 10

Prem L-3. [ ] **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were *(names)*:

[ ] Does ______ to ______

Plaintiff, a recreational user, was [ ] an invited guest [ ] a paying guest.

Prem.L-4. [✓] **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were *(names)*:
City of San Diego, MTS, Heritage Security, SANDAG, CALTRANS and NTSB.

[✓] Does 1 to 10

a. [✓] The defendant public entity had [ ] actual [✓] constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. [✓] The condition was created by employees of the defendant public entity.

Prem.L-5. a. [ ] **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were *(names)*:

[ ] Does ______ to ______

b. [ ] The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are
[ ] described in attachment Prem.L-5.b [ ] as follows *(names)*:

PLD-PI-001(6)

SHORT TITLE: Alshaikh v. SANDAG, ETAL.	CASE NUMBER:

Exemplary Damages Attachment

Page 9

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1 As additional damages against defendant (name):
Defendant SANDAG

Plaintiff alleges defendant was guilty of
- [✓] malice
- [ ] fraud
- [✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2 The facts supporting plaintiff's claim are as follows:

Defendant SANDAG has a responsibility and obligation in their decision and daily operations of the Metropolitan Transit System. SANDAG failed to provide proper safeguards to adequately protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley. San Diego, CA. 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed plaintiff, Miccael Alshaikh, while he waited for the trolley; injuring him and taking his personal property.

EX-3. The amount of exemplary damages sought is
a. [✓] not shown, pursuant to Code of Civil Procedure section 425.10.
b. [ ] $

PLD-PI-001(6)

SHORT TITLE: Alshaikh v. SANDAG, ET AL.	CASE NUMBER

Exemplary Damages Attachment

Page 10

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1 As additional damages against defendant *(name)*:

CALTRANS

Plaintiff alleges defendant was guilty of

[✓] malice

[ ] fraud

[✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant CALTRANS has a responsibility of overcite to the public transportation systems statewide to ensure adequate protection and safeguards are in place to protect patrons of public-transportation. CALTRANS willfully failed to install and maintain adequate safeguards and protection to ensure the safety of the patrons of its public transportation system.

On July 8th 2009, at the Grantville Trolley Station, San Diego, CA 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed plaintiff, Miccael Alshaikh, while he waited for the trolley; injuring him and taking his personal property.

EX-3. The amount of exemplary damages sought is

a [✓] not shown, pursuant to Code of Civil Procedure section 425 10

b [ ] $

Form Approved for Optional Use
Judicial Council of California
PLD-PI-001(6) [Rev. January 1, 2007]

Exemplary Damages Attachment

Code of Civil Procedure, § 425.115
www.courtinfo.ca.gov

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PLD-PI-001(6)

SHORT TITLE:	CASE NUMBER
Alshaikh v. SANDAG, ETAL.	

Exemplary Damages Attachment

Page 11

ATTACHMENT TO ☑ Complaint ☐ Cross - Complaint

EX-1 As additional damages against defendant *(name)*:
Defendant National Transportation Safety Board (NTSB)

Plaintiff alleges defendant was guilty of

☑ malice
☐ fraud
☑ oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant NTSB has a responsibility of over cite to the public transportation systems nationwide to ensure adequate protection and safeguards are in place to protect patrons of public transportation. NTSB willfully failed to ensure that proper safeguards were in place for the Metropolitan Transit System of San Diego. Through its daily operations and management decision CALTRANS chose not to provide adequate safeguards to ensure the safety of patrons.

On July 8th 2009, at the Grantville Trolley. San Diego, CA. 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed plaintiff, Miccael Alshaikh, while he waited for the trolley; injuring him and taking his personal property.

EX-3 The amount of exemplary damages sought is

a ☑ not shown, pursuant to Code of Civil Procedure section 425 10
b ☐ $

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PLD-PI-001(6)

SHORT TITLE	CASE NUMBER
Alshaikh v. SANDAG, ETAL.	

Exemplary Damages Attachment

Page 12

ATTACHMENT TO [✓] Complaint [ ] Cross - Complaint

EX-1. As additional damages against defendant *(name)*

City of San Diego, CA

Plaintiff alleges defendant was guilty of

[✓] malice

[ ] fraud

[✓] oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant City of San Diego has a responsibility and obligation to protect the safety and welfare of its citizens when using its system of public transportation. The City of San Diego willfully failed to enact and provide proper safeguards to adequately protect patrons of its system of public transportation.

On July 8th 2009, at the Grantville Trolley. San Diego, CA. 92120; 3 unknown assailants, does 1-3 maliciously attacked, beat and robbed plaintiff. Miccael Alshaikh, while he waited for the trolley; injuring him and taking his personal property.

EX-3 The amount of exemplary damages sought is

a. [✓] not shown, pursuant to Code of Civil Procedure section 425 10.

b [ ] $

"EXHIBIT B"

SAN DIEGO REGIONAL CRIME / INCIDENT REPORT

INCIDENT NUMBER: 09070018063
CASE NUMBER: 09035959
PAGE: 1 OF 8

RELATED REPORTS: N | ADDN'L PROPERTY: N | ADDN'L OFFENSES LISTED IN NARR.: N

DISTRICT

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY): 2/21 [redacted] / ROBBERY
DATE: 07/08/2009 | DAY OF WEEK: Wed | TIME: 22:54

LOCATION OF INCIDENT (OR ADDRESS): 10 AL[redacted]RADO CANYON RD RD

VICTIM'S NAME (LAST, FIRST, MIDDLE - OR ORGANIZATION): Alshaikh, Miccael Abdulmalek | CITY: San Diego
TYPE: 6 | RESIDENCE ADDRESS: [redacted] 147 COTTON ST
RESIDENCE PHONE: 19)67[redacted]6209 | RACE: W | SEX: M | DATE OF BIRTH: [redacted] | ID TYPE: DL | ID NUMBER: D5347420 | CITY: San Diego | STATE: Ca | ZIP: 92102
STATUS: U | EMPLOYER (RANK IF MILITARY) | INTERPRETER REQUIRED: N | RELATION TO: VICTIM / SUSPECT: S
BUSINESS OR MILITARY ADDRESS | BUSINESS PHONE | DAYS OFF | WORK HRS. | V/W ASSIST: N
ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE): mail: f[redacted]2fab@yahoo.com | CITY | STATE | ZIP

VICTIM'S NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION): Freeland, John
TYPE: 6 | RESIDENCE ADDRESS
RESIDENCE PHONE | RACE: W | SEX: M | DATE OF BIRTH: [redacted] | ID TYPE: SS | ID NUMBER: [redacted] | CITY | STATE | ZIP
STATUS: E | EMPLOYER (RANK IF MILITARY): San Diego Trolley | INTERPRETER REQUIRED: N | RELATION TO: VICTIM / SUSPECT: S S
BUSINESS OR MILITARY ADDRESS: PERIAL AV | BUSINESS PHONE: (619)595-4962 | DAYS OFF: VARY | WORK HRS.: VARY | V/W ASSIST: N
ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE) | CITY: San Diego | STATE: Ca | ZIP: 92102

TOTAL # OF WITNESSES AT CRIME: 2 | PLACE OF ATTACK: 6. Other: Trolley Station
DESCRIPTION OF SURROUNDING AREA: 2. Business

SPECIFY: fists
SPECIFY: feet | HOW USED: hit
HOW USED: kick

TYPE OF STRUCTURE: Non-Residential
POINT OF ENTRY: 0. N/A
SECURITY USED: 0. N/A
SUSPECT ACTIONS:
31. PUSHED/SHOVED VICTIM
22. INFLICTED INJURY
45. TOOK PROPERTY FROM PERSON

TARGET
PERSON

I certify that the information requested will be used solely for those limited purposes stated and will not be used to harass, degrade or humiliate any person. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Police Department and the City of San Diego for any liability arising out of the improper use of the information provided

TYPE LOCK ATTACKED: 0. N/A

INJURED: Y | EXTENT OF TREATMENT: NONE
OFFICER: II | I.D.#: 6835 | DIVISION: E3 | SIC: NO, probably is: ADULT
DATE OF REPORT: 07/09/2009 | TIME: 03:32 | DETECTIVE(S) ASSIGNED | I.D.# | DIVISION
CASE STATUS: 131 | AGENCY: SDPD | CRIME TYPE: PC / 211

PAGE 2 OF 8 | 09035959

ITEM NO.	ARTICLE NAME	STOLEN / RECV'D	IDENTIFICATION NUMBERS	BRAND, MAKE OR MANUFACTURER	MODEL NAME AND MODEL NUMBER	MISCELLANEOUS DESCRIPTION	VALUE
1	CELLULAR PHONE	1 / 0	unknown	MOTOROLA	Boost Mobile	Push to talk phone	$100.00
2	CURRENCY	70 / 0		UNITED STATES			$70.00
3	IPOD	1 / 0	unknown	APPLE	unknown		$100.00
4							

ARRESTED: N

SUSPECT #1 (LAST, FIRST, MIDDLE): Suspect, One

NICKNAME/AKA:

ID TYPE: | ID NUMBER:

SUSPECT'S ADDRESS: | CITY | STATE | ZIP

PHONE	RACE	SEX	AGE	DOB	HT.	WT.	BUILD	HAIR COLOR	EYE COLOR
	B	M	19 - 20		5'10"	150 - 160	NOR	BLK	

ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)

SUSPECT'S CLOTHING
White T-shirt, blue denim shorts

SUSPECT(S)

HAIR LGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE
4. NECK 8. OTHER 0.UNKNOWN	8. PONYTAIL	4. GOATEE	5. MEDIUM	0. UNKNOWN	0. UNKNOWN	0. UNKNOWN	0. UNKNOWN

SUSPECT VEHICLE	YEAR	MAKE	MODEL	COLOR / COLOR	TYPE	LICENSE NO.	LIC STATE

ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.) | VIN | VEHICLE IMPOUND | TOWING COMPANY

EVID

EVIDENCE OBTAINED: 5. PHOTOS

See Investigative Addendum for Details

TAG NOS.: 104483

ADDN'L PERSONS LISTED: N | WITNESS CHECK: Y

ADDITIONAL OFFENSES:

NARRATIVE

HEADINGS: CRIME DESCRIPTION; VICTIM(S) STATEMENT; OFFICER'S STATEMENT / INVESTIGATION; EVIDENCE/DISPOSITION; WITNESS STATEMENT/ WITNESS CHECKS; INJURIES / PROPERTY DAMAGE

officer assault: | DAK ZZ | Number Officers 0 | Activity when assault occured:

Number Officers without personal injury 0

ARSON

ARSON TYPE:

DESCRIPTION | CONTENT LOSS $ .00 | STRUC. LOSS $ .00 | ABANDON: N | CONTINUED: Y

SAN DIEGO REGIONAL ADDITIONAL SUSPECT(S) REPORT

PAGE: 3 OF 8 | CASE NUMBER: 09035959

LOCATION OF INCIDENT (OR ADDRESS): 4510 ALVARADO CANYON RD RD

CITY: San Diego | BEAT: 321 | DISTRICT:

ARRESTED: N | SUSPECT - (LAST, FIRST, MIDDLE): Suspect, Two

NICKNAME/AKA: | ID TYPE: | ID NUMBER:

SUSPECT'S ADDRESS: | CITY: | STATE: | ZIP:

PHONE	RACE	SEX	AGE	DOB	HT.	WT.	BUILD	HAIR COLOR	EYE COLOR
	B	M	18 - 20		5'08"	140	THI	BLK	

ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)

SUSPECT'S CLOTHING: blank tank top, denim shorts, white shoes

HAIR LGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE
5. SHORT 6. OTHER 0. UNKNOWN	2. BRAIDED	7. NONE/FUZZ	0. UNKNOWN	0. UNKNOWN	0. UNKNOWN	0. UNKNOWN	0. UNKNOWN

SUSPECT VEHICLE: YEAR | MAKE | MODEL | COLOR / COLOR | TYPE | LICENSE NO. | LIC STATE

ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.) | VIN | VEHICLE IMPOUND | TOWING COMPANY

ARRESTED: N | SUSPECT - (LAST, FIRST, MIDDLE): Suspect, Three

NICKNAME/AKA: | ID TYPE: | ID NUMBER:

SUSPECT'S ADDRESS: | CITY: | STATE: | ZIP:

HONE	RACE	SEX	AGE	DOB	HT.	WT.	BUILD	HAIR COLOR	EYE COLOR
	B	M	18 - 20		5'09"	140	NOR	BLK	

DDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)

JSPECT'S CLOTHING: 'HITE tank top, blue denim shorts

AIR LGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE
Short Other UNKNOWN		0. Unknown	0. Unknown	0. Unknown	0. Unknown	0. Unknown	0. Unknown

I certify that the information requested will be used solely for those limited purposes stated and will not be used to harass, degrade or humiliate any person. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Police Department and the City of San Diego for any liability arising out of the improper use of the information provided

'ECT CLE: YEAR | MAKE | MODEL | COLOR / COLOR | TYPE | LICENSE NO. | LIC STATE

'ONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.) | VIN | VEHICLE IMPOUND | TOWING COMPANY

'TING OFFICER: 3S II | I.D.: 6635 | DATE: 7/9/09

CONTINUE: Y

CONTINUED FROM CRIME REPORT		PAGE 4 OF 8	CASE NUMBER 09035959

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)
PC / 211 / ROBBERY

LOCATION OF INCIDENT (OR ADDRESS)
4510 ALVARADO CANYON RD RD

CITY	DATE	DAY OF WEEK	TIME	BEAT
San Diego	07/08/2009	Wed	22:54	321

PERSON(S) INVOLVED: VICTIM
Alshaikh, Mlccael Abdulmalek

SUSPECT (IF NAMED)
Suspect, One

PROPERTY TAG NO(S)
104483

EVIDENCE COLLECTION

Officer's Investigation:
I conducted the following attempts to locate, collect and preserve evidence from the crime scene at
4510 ALVARADO CANYON RD, San Diego

I made an effort to locate physical evidence YES

LATENT PRINTS:

If YES, what areas were printed with what results:

Location	# of Prints Lifted	Disposition
NONE FOUND		

I certify that the information requested will be used solely for those limited purposes stated and will not be used to harass, degrade or humiliate any person. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Police Department and the City of San Diego for any liability arising out of the improper use of the information provided

REPORTING OFFICER	I.D.#	DIVISION		DATE OF REPORT	TIME
BRIGGS II	6636	E3		07/09/2009	03:32

ARJIS-2 (REV 7-95 ELECTRONIC)

PAGE 5 OF 8 | INCIDENT NUMBER 09070018083 | CASE NUMBER 09035959

OTHER PHYSICAL EVIDENCE:

I made other attempts to locate physical evidence at the scene. NO

If NO, explain:

I recovered evidence listed in the spaces below (Include photographs also):

Item Description: digital photos of victim/injur
By Whom: 5655
How Marked: case # 09-035959
Disposition: Impounded
Location Found:
Tag Number: 104483

Item Description:
By Whom:
How Marked:
Disposition:
Location Found:
Tag Number:

Item Description:
By Whom:
How Marked:
Disposition:
Location Found:
Tag Number:

Item Description:
By Whom:
How Marked:
Disposition:
Location Found:
Tag Number:

I certify that the information requested will be used solely for those limited purposes stated and will not be used to harass, degrade or humiliate any person. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Police Department and the City of San Diego for any liability arising out of the improper use of the information provided

Item Description:
By Whom:
How Marked:
Disposition:
Location Found:
Tag Number:

Item Description:
By Whom:
How Marked:
Disposition:
Location Found:
Tag Number:

tinue with additional witness / evidence check information on another Investigation Addendum Report.

CONTINUED Y

Continued From: CRIME	San Diego Regional Officer's Report Narrative		0907001893	
Page 6 of 8			Case Number 09035959	
Code Section And Description (one incident only) PC / 211 / ROBBERY	Date 7/8/09		Day of Week Wed	Time 22:54
Location Of Incident (Or Address) 4510 ALVARADO CANYON RD RD		City San Diego	District	Beat 321
Person(s) Involved: Victim Alshaikh , Miccael Abdulmalek				
Suspect (If Named) Suspect , One				
Property Tag No.(s) 104483				

SYNOPSIS:

The three described suspects hit and kicked the victim, Miccael ALSHAIKH, multiple times and took his cellular phone, iPod, and $70.00 cash. The total loss is valued at $270.00. The victim received minor injures. No one is in custody at the time of this report. The victim and one witness can identify the suspects.

ORIGIN:

On 7-8-09, at 2303 hours, Officer Gasteiger # 5655 and I responded to a radio call of a robbery at the San Diego Grantville Trolley Station at 4510 Alvarado Road.

I certify that the information requested will be used solely for those limited purposes stated and will not be used to harass, degrade or humiliate any person. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Police Department and the City of San Diego for any liability arising out of the improper use of the information provided

BACKGROUND:

None

INVESTIGATION:

While Officer Gasteiger and I were en-route to the scene, dispatch put out the following description of the suspects: 3 black males, #1 light complexion, thin, 5' 9"- 5'10" tall wearing a black shirt; #2 wearing a white shirt, and #3 wearing a white tank-top. Upon our arrival, SDFD Medic Unit #62 was evaluating the victim's, Miccael ALSHAIKH, injuries. I observed that ALSHAIKH had a swollen and bruised right eye, and he was holding his right shoulder as if it were injured. ALSHAIKH'S clothing was disheveled and he was sweating. ALSHAIKH refused treatment by Medics and signed a waiver letter.

I contacted ALSHAIKH and obtained the following statement:

Statement of Miccael ALSHAIKH (Victim):

ALSHAIKH told me he was on his way to a friend's house in Hillcrest. ALSHAIKH said he went to check the schedule at the bus stop and asked a group of three black males standing nearby what time it was. ALSHAIKH said the three black males jumped him without saying anything and started beating the "crap" out of him. ALSHAIKH said they hit and kicked him in the body and head multiple times for 40 to 45 seconds. ALSHAIKH said he saw the male in the white tank top grab his backpack he was carrying and take items from it. ALSHAIKH said the males then left, got on a bus at the bus stop, and then got off the bus and started running westbound from the Trolley Station.

Reporting Officer	ID #	Division	Approved By	Date of Report	Time
BRIGGS II	6635	E3		7/9/09	03.32

Continued Y

San Diego Regional Officer's Report Narrative

Continued From: CRIME				Incident Number 09070018083	
Page 7 of 8				Case Number 09035959	
Code Section And Description (one incident only) PC / 211 / ROBBERY		Date 7/8/09		Day of Week Wed	Time 22:54
Location Of Incident (Or Address) 4510 ALVARADO CANYON RD RD			City San Diego	District	Beat 321
Person(s) Involved: Victim Alshaikh, Miccael Abdulmalek					
Suspect (If Named) Suspect, One					
Property Tag No.(s) 104483					

ALSHAIKH said he determined the three suspects took his Motorola cellular phone, $70.00 cash, and his iPod. ALSHAIKH told me the suspects did not say anything to him during the entire incident. ALSHAIKH said the suspects did not say anything as they were leaving the scene. ALSHAIKH said he could identify the suspects if he saw them again.

Officer Gasteiger took 7 digital photos of ALSHAIKH and his injuries. Officer Gasteiger, Officer Hill, and myself checked the area for any other evidence and did not find any. A Trolley cleaning crew was present nearby at the time of the incident and had power washed the area were the robbery occurred before our arrival.

Officer Hill, # 3117, performed a witness check. Officer Hill obtained a statement from a witness, John FREELAND (09-30-76), who was working on the cleaning crew at the Trolley Station. See Officer Hill's Arjis 9 report for details.

I provided and explained to ALSHAIKH the Marsy's Law Victim's Bill of Rights Card, with the case number written on top of it. I obtained ALSHAIKH'S e-mail address, which is included in the contact information above.

ALSHAIKH asked if we could transport him to Alvarado Hospital to have his injuries evaluation. Officer Gasteiger and I provided ALSHAIKH with a courtesy transport to Alvarado Hospital.

EVIDENCE:

7 Digital Photos of ALSHAIKH and his injuries. Impounded at Eastern under tag # 104483.

INJURIES:

ALSHAIKH sustained a swollen and bruised right eye, a sore and possibly dislocated right shoulder, and abrasions on his knees.

PROPERTY DAMAGE:

None

FOLLOW-UP:

None

I certify that the information requested will be used solely for those limited purposes stated and will not be used to harass, degrade or humiliate any person. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Police Department and the City of San Diego for any liability arising out of the improper use of the information provided

Reporting Officer	ID #	Division	Approved By	Date of Report	Time
RIGGS II	6635	E3		7/9/09	03:32

Continued Y

Continued From:
CRIME

Officer's Report Narrative

Page 8 of 8				Case Number 09035959	
Code Section And Description (one incident only) PC / 211 ROBBERY		Date 7/8/09	Day of Week Wed	Time 22:54	
Location Of Incident (Or Address) 4510 ALVARADO CANYON RD RD		City San Diego		District	Beat 321
Person(s) Involved: Victim Alshaikh, Miccael Abdulmalek					
Suspect (If Named) Suspect, One					
Property Tag No.(s) 104483					

RELATED REPORTS:

Officer Hill's Arjis 9.

Approved By: T. Underwood 5217

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Reporting Officer	ID #	Division	Approved By	Date of Report	Time
BRIGGS II	6635	E3		7.9.09	03.32

Continued Y

A CASE ADDITIONS
D CASE DELETIONS
C CASE CHANGES

SAN DIEGO REGIONAL

ADDITIONAL PROPERTY REPORT

PAGE 1 OF 2 | CASE NUMBER 09-035955
DATE | BEAT | DISTRICT

LOCATION OF INCIDENT (OR ADDRESS): 4510 ALVARADO CANYON RD.
CITY:

VICTIM'S NAME: MICCAEL ALSHAIKH

ITEM NO.	ARTICLE NAME	QTY STOLEN	QTY REC'D	IDENTIFICATION NUMBERS	BRAND, MAKE OR MANUFACTURER	MODEL NAME AND MODEL NUMBERS	MISCELLANEOUS DESCRIPTION	VALUE
02	CURRENCY	70	1		UNITED STATES			$70.00
#1	CELLULAR PHONE	1	0	UNKNOWN	MOTOROLA	BOOST MOBILE	PUSH TO TALK	$100.00

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REPORTING OFFICER: S. ELOW | I.D. 3354 | DATE | APPROVED BY | I.D. #

LJ18-4 (Rev. 8-90) 591376

CONTINUED ☐

ITEM	ARTICLE NAME	QTY STOLEN / REC'D	IDENTIFICATION NUMBERS	BRAND, MAKE OR MANUFACTURER	MODEL NAME AND MODEL NUMBERS	MISCELLANEOUS DESCRIPTION	VALUE

...or requested will be ... purposes stated ... degrade or ... releasing agency ... indemnify and hold ... Department and ... liability arising out ... information provided

...or pe... harmless ... the City of San Diego for any ... of the improper use of the ...

CONTINUED

Alvarado Hospital
6655 Alvarado Rd, San Diego CA 92120
(619)229-3130

Christopher Sterrett M.D.

Discharge Instructions

Miccael Alshaikh
MR#: 787608

[Adult]

PHYSICAL ASSAULT

You have been examined today for physical injuries. Because of the emotional upset that happens during a physical assault, you may not be aware of areas of pain or injury until tomorrow. Watch for the signs below.

Following a physical assault, it is normal to feel many strong emotions. Shock, embarrassment, fear, depression, blame, guilt, shame or anger are all very common and normal feelings. For a while, you may find it hard to find a sense of balance in your life. You may not be able to think clearly and you may have strong emotions about what happened to you. This is normal.

It can take time to get back to the point where you feel comfortable and safe again. Crisis intervention and supportive counseling can help you get through this.

Many states require your doctor to notify the law enforcement agency when they treat a victim of a violent crime. This does not mean that you have to prosecute or go to trial. You may be eligible for compensation of medical costs or losses related to the assault. Talk to the local law enforcement agency for details.

HOME CARE:

1) Follow your doctor's advice regarding the care of any physical injuries.

2) You may use acetaminophen (Tylenol) or ibuprofen (Motrin, Advil) to control pain, unless another pain medicine was prescribed. [NOTE : If you have chronic liver or kidney disease or ever had a stomach ulcer or GI bleeding, talk with your doctor before using these medicines.]

3) Don't isolate yourself. For the next few days, you may prefer to stay with family or a friend for emotional support and a sense of physical safety. Seek out local resources or refer to the links below for more information.

FOLLOW UP with your doctor or as advised by our staff. Refer to the links below for more information.

-- National Center for Victims of Crime (NCVC) (offers victim services, referrals, articles on victim issues, and other resources) www.ncvc.org , 800-394-2255
-- National Organization for Victim Assistance (NOVA) (articles on victims issues, provides victim assistance, coordinates the National Crime Victim Information and Referral Hotline)

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Discharge Instructions (con't)

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www.trynova.org, 800-879-6682

[NOTE: If X-rays were taken, they will be reviewed by a radiologist. You will be notified of any other findings that may affect your care.]

GET PROMPT MEDICAL ATTENTION if any of the following occur:
-- New or worsening headache or visual problems
-- New or worsening neck, back, abdomen, arm or leg pain
-- Shortness of breath or increasing chest pain
-- Repeated vomiting, dizziness or fainting
-- Excessive drowsiness or unable to wake up as usual
-- Confusion or change in behavior or speech, memory loss or blurred vision
-- Redness, swelling, or pus coming from any wound

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Miccael Alshaikh
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SPRAINSHOULDER

A SPRAIN is a stretching or tearing of the ligaments that hold a joint together. This may take up to six weeks to fully heal, depending on how severe it is. Moderate to severe shoulder sprains are treated with a sling or "shoulder immobilizer". Minor sprains can be treated without any special support.

HOME CARE:

1) If a sling was provided, leave it in place for the time advised by your doctor. If you are unsure how long to wear it, ask for advice. If the sling becomes loose, adjust it so that your forearm is level with the ground and the shoulder feels well supported.

2) Apply an ice pack (ice cubes in a plastic bag, wrapped in a towel) over the injured area for 20 minutes every 1-2 hours the first day. Continue with ice packs 3-4 times a day for the next two days, then as needed for the relief of pain and swelling.

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4) Shoulder joints become stiff if left in a sling for too long. Range of motion exercises should usually be started within the first ten days after injury. Consult your doctor on what type of exercises to do and how soon to start.

FOLLOW UP with your doctor as directed if the pain does not start to improve within the next five days.
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GET PROMPT MEDICAL ATTENTION if any of the following occur:
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-- Fingers become cold, blue, numb or tingly
-- Large amount of bruising of the shoulder or upper arm

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MEDICATION RECONCILIATION

For your safety, we have listed your current medicine schedule below. This includes your home medicine schedule and any new prescriptions written. This list is based on information available by the time of your discharge. If you discover that some of your medicines are not on this list, continue those until you are able to review this list with your own doctor. The doctor reviewing this list today may not know enough about all of your health conditions to confirm each of your medicines. If the word 'Verify' appears next to a medicine, contact your doctor or pharmacist to answer any questions you may have.

Your Current Medication List:

Status	Drug	Dose	Frequency	Source
New	Vicodin	5/500 mg	1-2 tablets by mouth every 4-6 hours as needed for pain	

If you require refills, please contact your personal physician or the doctor/clinic that you were referred to. The Emergency Dept. does not refill prescriptions over the phone. If you are not able to be seen in a timely fashion by your doctor or clinic in time, go to an urgent care center or visit the Emergency Dept. again to address your needs. Refills for certain medicines (such as narcotics for chronic pain) should come from the doctor who is managing that problem for you.

Take this form to your doctor at your next visit.

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6655 Alvarado Rd, San Diego CA 92120
(619)229-3130

Discharge Instructions (con't)

:hristopher Sterrett M.D.

Miccael Alshaikh
MR#: 787608

Special advice for: Miccael Alshaikh

Call Mark D Jacobson M.D. today or the next business day for an appointment to be seen within the next 1 weeks if not improving. When you call to make the appointment, tell the secretary that you were referred from this facility. When you go to see the doctor, bring these instructions with you.

Return to this facility if you are not improving as expected.

REFERRALS:

Mark D Jacobson M.D. (619)286-9480
5555 Reservoir Dr. Suite 104, San Diego (None)

e exam and treatment that you received today has been provided on an emergency basis only. If your problem worsens or new symptoms appear, contact your doctor or return to this facility for further care.

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JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MICCAEL ALSHAIKH, BABETTE BERIONES

(b) County of Residence of First Listed Plaintiff: San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Miccael Alshaikh and Babette Beriones, Pro Per
1147 Cotton Street, San Diego, CA 92102 e-mail: babettebe@yahoo.com

DEFENDANTS

Metropolitan Transit;Heritage Security;Does 1-5;Lawrence Richman
Paul Jablonski; William Burke;Randall Iwasaki;Mike Flanigan

County of Residence of First Listed Defendant: San Diego
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) **'11CV0140 L RBB**
Steve B. Chu, Assistant U.S. Attorney, 880 Front St., Room 6293, San Diego, CA 92101 - email: steve.chu@usdoj.gov

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☒ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing **(Do not cite jurisdictional statutes unless diversity)**:
28 U.S.C. Sections 1441, 1442 and 1446

Brief description of cause:
Monetary relief under the Federal Tort Claims Act against a federal employee in his official capacity

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $**
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Honorable Roger T. Benitez DOCKET NUMBER 10cv0497-BEN(CAB)

DATE 01/21/2011 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______